Previous references.

191

(Sep. Revenue.

File No. 24-86-7

Serial Nos. 1—11

Later references.

(83)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Major (Part B. for October 1902.

SUBJECT

Acquisition of land containing date trees for the benefit of the Ex Revenue in Bhavanasagara village Chitaldroog Taluk

1. To, the D. C. Chitaldroog.
No Rel. Dt 12.11.96.
639
Forwards, with its three enclosures for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, & on the points urged in the petition

G. R. S. 58

GPB—4,000—4-7-11

...rom the D.C. Chitaldrug
...No 5278 L. No 654 Dt 19.2.97
P.T.S.11 Gode
...hereby request with reference
...the petition of A Basappa
...the re grevision of the
...as for the purpose of renew

To, The Ex Officio
The D.C. Chitaldrug
The D.C. (or) the Asst Commr

...No 10890 & Dt 16.6.97
Ex.C.395

...timated that both were
...receiving Cocoanuts, Shree
...the est, the occupant
...cocoanut trees and does
...therefrom thereby
...explain this to the fi
...need to agree the la
...ably after deducting
...cheese money, the a
...ment which he has
...ents.

...rom the D.C. Chitaldrug
...Dy. No 1219 L. No 133 Dt 7
P.718 129
...e grants that the revenue
...cords connected with
...hereby with this office
...q. 2.97 may be kindly

To, The D.C. Chitaldrug
Through the Ex Officio
...No 2361 Dt 28.8.97.
E.C.87

6. From, the D. C. Chitaldroog.
Dy. No R 477. L. No. 92. Dt 30.7.01.

Seeks orders certain. Correspondence in re the ~~corresp-~~ notice acquisition of Sy. No 85 of Bharamasagara village in the Chitaldroog taluk for the purpose of Toddy Shops.

7. From. A. Basappa Sampadappa
Ref 773. Dy. No. 4183
Ex 1114.
Dt. 30.8.01

Pray that the portion of land on which the date trees are standing may be taken over by Govt. proper Compensation paid for it & the empty spaces under cultivation may be separately assessed & allowed to remain in the possession of the petitioners.

8. To, the Ex Commr No 109
Ex J 7 24-26.
Dt 29.7.02.

Forwards copy of L. No 92. Dt 30.7.01 together with its enclosures in original (to the obliging effect mentioned) from the D. C Chitaldroog re the acquisition of Sy No 85 of Bharamasagara village for the purpose Toddy revenue & requests the favour of an early expression of opinion in the matter.

9 From, the Esi Commr
Sy. No 2573 / Ex 62 L. No 1443/62
Dt 3.9.02
States that he concurs with the D.C's opinion & recommends that necessary declaration may be published for acquiring Sy. No 85 of Bhoomasagara village.

10. To, the Esi Commr
No 212-3 / Ex.F 24-96 Dt 27.10.02.
Directs that the above named land should be at once resumed by the D.C.

11. To, A. Basappa & Sekhi
Gurusiddappa No 214 / Ex.F.24-96
Dt 27.10.02.

Informs that as they are responsible to have cut many of the trees stood on the land & thus violated the terms of grant, the land has been ordered to be forfeited to Govt & their petitions are rejected.

Ordered.

H. B. Thimmanna

C. Manohar
Dy Commr
25/11/02

Please see Secretary's query on the letter below.

note

(5)

Secretary's order dated 10th April 1897 on the Chutaldroog Deputy Commissioner's letter no 654/604 dated 9th February 1897.

SECTION S. R.

FILE No. 24-(96-7)

SERIAL No.

There are no standing orders on the question of granting lands for cultivation with the reservation of right to date trees, as will be seen from Government proc no 4744-52/A 7138-93 dated 24th november 1896 (put up) in which the opinions of the Survey Supte, Excise Commissioner and Deputy Commissioners are called for in the subject.

The land in question when granted for cultivation in 1884 contained in all (plants included) 5-90 date trees. It is now reported to contain 19200 trees in all as detailed in the margin.

Another case in the same district (Chutaldroog)

× In the valley 13500 of which 5500 are fit to be tapped.

In the middle 5700 of which 1700 of are grown up trees.

similar to the one under reference is submitted for orders with a memo.

BD
26/4/97

This is a most valuable Vanam - Gradual clandestine destruction, & the prevention of future growth, may not unreasonably be apprehended. The acquisition of this land for what it may be worth, without of course losing the value of late trees must be considered highly desirable in the interests of Forest preserve

Kubs B 3 Dec

30/4/97

Yes. It is very much to be regretted that these cases of this nature were given out for cultivation.

Apparently there are growing more cases in the Dist. of this kind, and Coorg other districts also. A strict inquiry should be ordered 30/4/97 BD

~~The~~ Bill is copied for an
expression of the views
of the Executive on
the Question at issue.
This is called to have
receipt of
*3074197

Rec'd 4/5/97

The matter is one
which might with
advantage be settled
amicably with the
holder of the Regat.
I am not sure that
the provisions of the
L.D. acq. Regs. can be
applied to such a case.
It seems unnecessary
to do so. One of the conditions
of the holding is that
body lines both
existing thereafter
growing should not
be cut. It is obvious
that as long as this
condition is properly
enforced the holder
cannot cultivate

the land or derive
any other profit from
it. If this aspect of
the case is properly
explored which it is
not improbable that
he will hereafter
choose to avail
himself of it he does
so it is but fair
that the purchase
money and the
amount of the
assignment which
he has paid up
to date should be refunded
to him. This matter
is sanctioned by
the Government
proposed bargains
the land in the
manner above set
forth.

27/5/97

To stand over for inquiry

Sent 30-5-97

Submit to Sec for perusal
& then file under above

28/5/97

Draft dated
2/6/97

5

(2)

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 24th November 1896

No. 4744-52
R. F. 138-93

Directing the exclusion of all tracts reserved as date groves from hulbanni sales, and laying down that applications for cutting and removing grass therefrom may be entertained ; and that if appreciable empty spaces, fit for cultivation, exist in date groves or tracts, they may be subdivided and made available for cultivation whenever there is demand for the same.

M.G.C.P.B.—15-12-96—120

READ :—

Letter No. 1554—121, dated 9th September 1896, from the Excise Commissioner in Mysore.

Adverting to Government Proceedings No. 1403-11—Ex. 55, dated the 3rd August 1896, I have the honor to bring to the notice of Government that the grazing of cattle in date groves has proved injurious not only to the existing trees but also to the reproduction of the trees, owing to the following causes :—

(1) the black beetle produced in the dung of cattle bore into the tender shooting leaf of young trees and destroy them ;

(2) cattle prevent the growth of seedlings, both by grazing them and by treading upon them.

2. In many parts of the province the paucity of date trees for the manufacture of toddy is greatly felt. It is of the utmost importance that in the interests of toddy revenue, the conservancy of date groves should be strictly enforced, besides giving every facility to the natural reproduction of the trees. Under such circumstances, I beg to suggest that orders may be issued prohibiting the sale of grazing right in date groves, and directing that the grass growing therein may be sold on condition that it shall be cut and removed without injuring date seedlings.

3. I beg to submit herewith a copy of the judgment of the Closepet Sub-Division Officer, bringing to notice how a raiyat of Allalasandra village in the Closepet sub-taluk, to whom certain lands containing date trees have been granted for grazing purposes, the right of the trees being reserved to Government, has been destroying a number of the trees with the object of bringing the lands under cultivation. I submit that it is a great loss to grant the lands containing date trees, either for cultivation or for grazing purposes, the right of the trees being reserved to Government. There can be no doubt that the trees in such lands will soon disappear either through the wanton mischief of the occupants of the lands, or otherwise, and owing to the reproduction of the trees being prevented by the grazing and treading of cattle. I beg to recommend, therefore, that the lands referred to in the judgment of the Closepet Sub-Division Officer, as well as other date groves in the province, granted similarly for grazing purposes, may be ordered to be reserved for the requirements of the State toddy revenue.

Enclosure.

In the Court of the Sub-Division Magistrate, Closepet, dated 2nd September 1896.

Present K. P. Puttanna Chetti, Esq., Sub-Division Magistrate.

Criminal Case No. 68 of 1895-96.

Complainant.		*Accused.*
Jagan Naikalu.	*versus.*	Venkatanarnappa.

JUDGMENT.

1. The complaint was that the accused unauthorizedly cut down the branches of certain toddy trees which were the property of Government and set fire to the branches when they were dry and that the fire spread and burnt down 60 or 70 toddy trees fit for tapping and a large number of seedlings in the toddy grove. The prosecution was at the instance of the Excise Department.

2. The following witnesses were examined for the prosecution :—

(1) Jagan Naikalu, (2) Linga Devarappa, (3) Narasaiya, (4) Thimmaiya, (5) Nanjundagauda.

The exhibits filed were—

A. Report of Linga Devarappa, dated 18th June 1894.

B. Mahazar, dated 9th December 1894.

3. The following charge was framed against the accused :—

"That you on or about the 14th day of June 1894, at Allalasandra, cut down the branches of toddy trees belonging to Government and set fire to them thereby destroying toddy trees which were yielding toddy and a large number of seedlings."

4. The accused pleaded not guilty.

5. The accused stated as follows :—

"I did not lop the branches. I caused the branches lopped by the toddy drawers to be burnt in an open place. There is great *zid* between me and Patel Nanjundagauda in connection with survey No. 22 in Allalasandra village. He has concocted this case against me."

6. Only one witness was examined for the defence, *viz.*, Shekdar Narasimhaiya.

The exhibits filed were—

I. Shekdar's report, dated 13th July 1894.

II. Shekdar's statement before the Deputy Amildar, dated 12th December 1894.

III. Fysal patrik.

7. The facts are as follows :—On the 18th June 1894, Toddy Izardar, Linga Devarappa, (prosecution 2nd witness) reported to the Deputy Amildar of Closepet (*vide* Exhibit A) that the accused, with a view to bring his land under cultivation, had lopped off the branches of a large number of toddy trees in the Allalasandra grove leaving only a few shoots at top and had set fire to the branches so lopped and that 700 or 800 toddy trees had been burnt in consequence of the fire. The Deputy Amildar referred this complaint to the shekdar (defence 1st witness) for enquiry. The shekdar visited the spot on the 13th July 1894, and submitted his report to the Deputy Amildar (Exhibit I). It may here be noted that the shekdar did not draw up a mahazar as to the state of things observed by him at the time of his inspection. The reasons assigned by him for this omission are far from satisfactory. The Deputy Amildar apparently slept over the matter until the 3rd November 1894, on which date he directed the Toddy Inspector (prosecution 1st witness) to make a local inspection of the spot and submit a report regarding the damage caused by the fire. The Toddy Inspector visited the locality on the 9th December 1894 and had a mahazar drawn up, "Exhibit B." The accused was not present when this mahazar was recorded. In the mahazar it was stated that the branches of 300 big toddy trees and of 400 young plants had been lopped and set fire to, that 60 or 70 trees fit for tapping had been destroyed by the fire, that 200 of the burnt trees had since thrown up fresh shoots and numerous seedlings had been completely destroyed by the fire. The Deputy Amildar thereupon examined the accused on the Revenue side. The accused on the 12th December 1894 made the admission on oath that he had set fire to the branches lopped by Edigars (toddy drawers) as they were cumbering the ground and preventing the cattle from grazing. It is on record that the Deputy Amildar inspected the grove on the 4th January 1895, and reported to the Deputy Commissioner that the Toddy Inspector's mahazar as to the damage caused was substantially correct. After some correspondence between the Taluk and District offices, the Toddy Inspector lodged complaint before this Court on the 3rd August 1895. This was referred by the Sub-Division Magistrate to the Police for local investigation. The Police report was received on the 27th September 1895. There is nothing on record to show what action was taken thereon. It was placed before me on the 27th May 1896, when I passed the following order :—

"A *prima facie* case under Section 427 of the Indian Penal Code having been made out, issue processes for the appearance of the accused and prosecution witnesses on the 8th June 1896. The Deputy Amildar will arrange to conduct the prosecution."

The case was taken on file and proceeded with accordingly.

8. The toddy grove is situated in survey Nos. 110 and 111 of Allalasandra village. These numbers are in the holding of the accused. They were confirmed to him at the time of the settlement on the condition that the toddy trees thereon has been reserved by Government and that the khatedar had no right to the said trees. In consequence of this stipulation the accused has enjoyed the grazing of the land, but has not been able to bring the land under cultivation. He therefore adopted the expedient which has resulted in much mischief to the grove. He hired the toddy drawers of the Izardar (prosecution 3rd and 4th witnesses) to clear the branches of the obstructing toddy trees. All but the top shoots were lopped off, and when they were sufficiently dry to catch fire, he set fire to them. These facts are clearly spoken to by the prosecution 3rd and 4th witnesses. Furthermore, the prosecution 2nd witness distinctly stated in his report (Exhibit A), which report was made after he personally visited the spot and ascertained the particulars that the accused had got the branches lopped and set fire to them. The facts he learnt from his servants, the Edigars (prosecution 3rd and 4th witnesses). It will thus be seen that the name of the accused figures as the doer of the mischief from the time the proceedings were initiated. The [illegible]

admission, *viz.*, that he set fire to the branches which had been lopped not by himself but by the Edigars for purposes of tapping. It is a well known fact that such extensive lopping is never resorted to for the mere purpose of drawing toddy from the trees. Moreover, I found that the branches of tender trees unfit for tapping had been lopped which would not have been the case if the branches had been lopped for tapping purposes as alleged by the accused. The object was doubtless to clear the ground and render it fit for cultivation. The mahazar recorded by the Toddy Inspector has not been impeached in any way. It describes exactly the damage observed at the time of his inspection. I think the case for the prosecution has been clearly made out.

9. The only witness examined for the defence was shekdar Narasimhaiya, who inspected the grove shortly after the occurrence. This witness has made a slipshod report (Exhibit I). He tries to exonerate the accused by stating that none of the toddy trees had been destroyed by the fire. But his report, if read between the lines, bears ample testimony to the mischief wrought by the fire. He found that the branches of the toddy trees had been extensively lopped and set fire to, that some of the trees had been burnt in consequence, and that the loppings were still lying at the foot of the trees. What does all this indicate ?

10. I inspected the toddy grove on the 16th instant in the presence of the accused and the village and taluk officials. Even at this distant date, the effects of the damage caused in June 1894 are visible. I found the charred remains of the trees then burnt. Some of the trees have not as yet recovered from the effects of the severe scalding suffered by them. Reading the evidence in the light of the observations made by me on the spot I have no doubt in my mind that the accused with a view to cultivate his land tampered with the toddy trees which were an encumbrance to him. He set fire to the dry clearings. He perhaps had no intention to destroy the trees or burn the seedlings, but he should certainly have known the consequences of his own action. A valuable Government toddy grove adjoins his land, and if the fire had spread to it the result might have been more disastrous. He had no business to lop the branches of the trees on his own land or set fire to them. His reckless act has caused the destruction of old and young toddy trees, the property of Government. The immediate damages have been estimated at Rs. 270 by the Toddy Inspector, who is a competent authority in such matters. This does not include the value of the seedlings which succumbed to the conflagration.

11. I am constrained to remark on the want of promptitude shown by the Deputy Amildar Mr. Vasudeva Rao, whose duty it was to have visited the affected locality and assessed the damage as soon as the fire was reported. This he failed to do.

12. The Court finds the accused, Venkatanaranappa, guilty of the offence, with which he is charged, *viz.*, that he cut down the branches of toddy trees belonging to Government and set fire to them, thereby burning toddy trees which were yielding toddy, and further destroying a large number of seedlings, an offence punishable under Section 427, Indian Penal Code.

13. Considering the long time that has elapsed since the occurrence took place, I will deal with the accused leniently. The Court directs that the accused, Venkatanaranappa, be sentenced to pay a fine of Rs. 200, in default of payment, to suffer simple imprisonment for three months.

No. 4744-52—R. F. 138-93, DATED, BANGALORE, 24TH NOVEMBER 1896.

ORDER THEREON.—This is a very important matter. As the Government have it in contemplation to introduce the tree-tax system, it is very desirable that date groves should be conserved with the strictest care and attention. The very fact that particular tracts have been reserved, as date groves, may be taken as *prima facie* indication that they are wanted by the Excise Department. Where there is spontaneous growth of date, in any special tract, cattle grazing must cease and the natural reproduction promoted by the best practicable means. All tract reserved as date groves, should, therefore, be excluded in future from hulbanni sales, but applications for cutting and removing grass therefrom may be entertained. Wherever appreciable empty spaces fit for cultivation exist in date groves, or tracts, and there is demand for land for cultivation, such empty spaces may be subdivided as far as possible and made available for cultivation. If there are any groves which have been given away for permanent assessment, as in the case dealt with by the Sub-Division Magistrate of Closepet, it behoves both the Revenue and Excise officials to see that the terms of the [illegible] manner violated.

2. The next point for consideration is whether it is not desirable that some definite rule should be laid down as regards (1) the liability of a raiyat holding under a conditional grant, to conserve the seedlings and to facilitate their growth, and (2) the penalty to be levied from him for the infringement of the conditions of the grant. In coming to a decision upon this question, the following points will have to be considered :—

i. Can such a liability be as extensive as that attaching to an occupant of lands on which there are sandal trees which he has no right to interfere with, whether they existed at the time of the grant of occupancy or come into existence at some subsequent time.

ii. Does the infringement of the conditions render the holding liable to be forfeited and the occupant liable to be evicted.

The Superintendent of Revenue Survey, the Excise Commissioner and the Deputy Commissioners of districts are requested to consider the subject at full length and submit their opinions as early as possible for the final orders of Government.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Excise Commissioner in Mysore.
The Superintendent of Revenue Survey in Mysore.
The Deputy Commissioners of Districts.

Ed. — H.A.R.

Precis of the Vernacular Records connected with the petition of Amakundi Basappa (Petr No 1077 of 1896) of Bharmasagar, Chittaldroog Taluk in re the acquisition of land No 85 for the purposes of Vacaunde.

This case had its origin from a petition, dated 2.11.95 by the present petr to the Talak praying for permission to clear the middle portion of his holding Sur: No 85, from date plants which obstructed him from growing paddy, though the land was well suited for it & water rate & wet assessment was charged on it. Thereon the Asstr made a full report to the Dy Comr on 25.11.95, to obtain his orders on the subject. The report is as follows:

"This land was formerly a "Banjar. In 1884-85 one Abbera "Ramaiya applied that he "may be given the land for "cultivation, the Govt reserving "to itself the right to the date "trees thereon. But in the sale "notification it was published

+ Extent 14 acres + assessment 7 Rs.

that the land together with the right to take trees would be sold by auction; & the sale was accordingly held & one Krishnarow agent of the Sharkastdar bought it for Rs 20. But the then Sub Div: Officer of Chitteldroog in his No 219 of 23.7.84 passed the following order that the sale of the whole land for purposes of cultivation is sanctioned, with the reservation of the right to take trees. Before this order reached this (sic) office the Sharkastdar & the auction purchaser transferred their right in the land to Shanbogue Jayappa & went away towards ~~Sa~~ Shimoga. Jayappa then submitted a petition stating that orders be issued to cut the trees grown in the middle of the land he could not cultivate it. The then Asst reported to the Sub Div: Officer that as the land with the trees thereon was sold for 20 Rs, permission may be accorded for cutting the trees standing on the cultivable portion of the land. The Sub Div: Officer in reply passed order No 665 of 11.12.84 that as the right to the trees was reserved

"to Govt. at the time of the grant
"of the land, the Puttadar had
"no right to cut the trees, nor
"could any permission to do so be
"granted. I have seen this land
"& found that it has not been
"cultivated since its grant. The
"Khatedar has paid to Government
"since then Rs* 165 1/2 inclusive of
"the 20 Rs the price of the Inalki.
"In 85-86 a water rate of 2 1/2 Rs was
"imposed on 1A & 10 guntas of land;
"in 87-88 a water rate of Rs 4 more
"was imposed on 2 more acres of land
"& in 94-95 the water rate was deducted
"& wet assessment ~~of~~ Rs 8 was
"charged instead on 3A & 10 guntas
"of land. No ryot has paid so much
"for this land to Govt. without cultivating
"it & without cutting a single tree. As
"the land was left uncultivated, there
"have grown more date trees now
"than before. The lands all round
"this (No.) are under cultivation. I
"submit that without permitting the
"ryot to cut trees in the valley (as it
"is a low ground) ~~of Survey No. 285~~ & its
"banks of Survey No. 85, he may be
"allowed to cut those that lie on
"the land fit for cultivation. But
"if this cannot be done & consequently
"if the land is to be acquired, the
"said sum of 165 1/2 Rs has to be
"paid to the ryot as compensation.

* details are given in the report.

"Hence it seems better to permit him to cut the trees in the middle "portion of this Sur No & to cultivate it."

The Dy Commr in reply (dd 11.12.95) wanted to know exactly how many date trees there were in the land. The Asst Commr thereon ordered the Sheikdar on 18.12.95 to make a report & this the latter did on 31.12.95. The Asst Commr reported on 9.1.96 that as per Sheikdar's report there were nearly 13,500 trees in the valley & its banks & 5,700 in the middle portion of the Sur No, but that the exact number could not possibly be ascertained; that it is stated that when the land was first sold there were 590 trees on it; that there were many other lands in the Hobli than this grown thick with date trees; that there were 14 clumps in the Hobli & that 347 acres & 18 guntas of land was covered with date groves. On 19.1.96 the Dy Commr ordered as follows: "as per report there are 1700 fruit-yielding trees in the middle portion; this at 2 annas each will come up to 167½ Rs. Hence if the Khatadar pays 120 Rs, the land may be divided into 2 portions, the valley & some 6 chains (?) of it being reserved to Govt.

Details of 13,500 trees.
6,500 fit for drawing Shendi
3,000 removable by spade (or Dig)
4,000 ——— plough.

Details of 5,700 trees.
1700 fruit yielding.
2000 removable by spade.
2000 — ——— plough.

as dake prove; & the rest being
given to him with all full right
over it. Report whether
he consents to this." The Asst
sent this to the Sheikdar to report
upon what the petr had to say
The Sheikdar examined the petr
on 24.3.96. The petr stated that
he consented to pay Rs 120 but
that he wanted 2 years time; that
he would pay something in 3 months
some after & the remaining after
that he was unable to pay the whole
in a lump as he was poor & as
there was no water in the tank for
the last 2 years. The Sheikdar
submitted this to the Asstr who
reported on 30.3.96 that the
petr was willing to pay Rs 120
but that he wanted 2 years'
time to pay by instalments. The
Dy Commr on 8.4.96 refused to
grant the time & ordered that
final orders would be passed
if the whole amount was paid
by the end of the (official) year.
Next to this come the following office
orders of the Asstr: One is dated
15.4.96 to issue orders to the Sheikdar
to take the necessary steps & another
is dated 2.7.96 ordering the Office
to remind the Sheikdar of the
report called for. It is stated
in the above 2nd order that Sheikdar told

him (Anr) (verbally) that when the
Dy fowr had come to the village
he seemed to have given the petr time
for paying the amount. On
7.7.96 the Anr wrote an Ishilla to the Dy
fowr stating that the report called
for from the Sheikdar was not received;
& that as the offl year closed
he made this report as
ordered. The Dy fowr on 15.7.96
ordered the Anr to issue notice to the petr
that if the amount was not paid
by the end of August, the land
would be acquired under the Act.
The Anr then examined the petr
on 23.7.96 & submitted his report
to the Dt on 30.7.96 stating that
on demand, the petr produced
before him 44 Rs promising
to pay 16 Rs more early; that
he (petr) promised to pay the remaining
moiety of 60 Rs during the 1st Kandayam
season i.e. next February; that
petr is a poor man & has spent
much on the land; that the said
120 Rs may be considered as the
price of the Inalibli & the petr be
given the time asked for, on fear
of the land being sold if the
money was not paid then.
On 5.8.96 the Dy fowr ordered
the Anr to refund the 44 Rs

to the petr & to report in the usual
forum for acquiring the land.
The Asstr sent the usual Land
Acquisition Statement on 28.8.96.
The petr on 1.2.96 submitted a
petn to the Dy Comr reminding him
of the (oral) permission granted
to him to pay a moiety just then,
& the other moiety next year. The
Dy Comr gave petr an endorsement
on 7.9.96 that he would not interfere
with the order that be first passed.
Thereon the petr appealed to Govt
praying that his present possn
of the land
should not be disturbed. The
appeal petn was received on 28.9.96,
& a report was called for from
the Dy Comr on 1.11.96 & the latter
submitted it on 9.2.97.

A/K.
30/3/97

It may not be quite necessary
to touch upon the records of 1882 now,
so far as this case is concerned
as they are
it fully brought out in the
Asstr's report of 25.11.95 vide to above.
However for reference a short precis
is put up.

A/K.
29/5/97

This land was first applied for by one Abkari Ramaiya on 14.1.84 for purposes of cultivation. The Dharkast says that Govt. may reserve to itself the right to the date trees grown thereon. On the same day the Shanbogue's usual statement was called for & which was duly sent. On 22.1.84 the Asst. ordered the Sheikdar to publish the sale notification sent. The sale notification dated 25.1.84 is signed by the Sheristadar for Asst. & runs as follows "for Rs. 85 containing 50 date trees in the middle & 200-300 in the valley & its banks; this together with the land will be sold by public auction on 3rd February" (ಸರ್ಕಾರದ 85/- ರೂ ಬೆಲೆಯ 50, ಮಧ್ಯದಲ್ಲಿ ಖರ್ಜೂರ 200-300 ಅಂ.ಅ ಕಣಿವೆ ಅ ಅದರ ದಂಡೆಯಲ್ಲಿ ಖರ್ಜೂರ ಮರಗಳು ಅ ಭೂಮಿ ಸಹಿತ 25-ನೇ ಫೆಬ್ರವರಿ ೩ ರಂದು ಬಹಿರಂಗ ಹರಾಜು ಮಾಡಲಾಗುವುದು). In the sale Patti also it is stated as follows "as there are date trees in abundance, this & the land will be sold" (ಅಂ.ಅ ಖರ್ಜೂರ ಮರಗಳು ಅಂ ಅ ಭೂಮಿ ಸಹಿತ 25-ನೇ ಫೆಬ್ರವರಿ ೩ ರಂದು ಬಹಿರಂಗ ಹರಾಜು ಮಾಡಲಾಗುವುದು). This was bought by one Krishnarow for Ramaiya (ಅದನ್ನು ಕೃಷ್ಣರಾವ್ ರಾಮಯ್ಯನವರಿಗಾಗಿ ಕೊಂಡರು). Below his signature Krishna Rao has also written that Patta should be made in the name of Ramaiya.

The Sheikdar sent all these sale proceedings with his report on 27.2.84. The Asst on 27.3.84 asked the Sheikdar to give him fuller details regarding the date trees on the land. The Sheikdar in reply on 6.5.84 gave the details & also stated in his report that he learns that the Dharkastdar stated that he (Dharkastdar) is prepared to execute a Muchelika to the Govt as mentioned in his Dharkast to grant him the land for cultivation reserving the right to date trees. On this the Asst on 1.7.84 sent the Sale Confirmation Statement to the Sub: Div: Officer. Under the column Asst's Opinion it is stated as follows "As requested by the Dharkastdar to grant the land reserving to Govt the right to date trees, the land was sold for Rs 20. The purchaser has consented to execute a Muchelika as regards the reservation of the date trees by the Govt." (I.B. 25 Thing in the records to show that he consented to do so). The annual profit from the date trees may come up to Rs 5-25 nP. The Sub Div: Officer

on 20.7.84 passed the following order.
"The sale is confirmed in the name of Krishnappa the auction purchaser. The date trees are reserved to Govt." Thereafter Shanbogue Jayappa sent a report of a quasi-public nature to the Taluk that the Sheikdar had sold the land with the trees thereon; that Krishna Row left the village before the sale was confirmed; that at the time when the said Krishna Row left the place he handed over the responsibilities of the land to him (Jayappa) saying that he (Jayappa) has to pay the purchase money which he accordingly did; that Sheikdar has received orders that a Muchalika should be executed from the said Krishna Row regarding the date trees; that on account of this doubt he writes this; that he should be allowed to cut some 50 or 60 young date plants in the middle of the land which obstruct the cultivation even of so much land as worth 20 Rs; that he would pay the dry assessment on this account; that he would pay the wet assessment of the land if he used the water of the tank; that he himself will execute a Muchalika to the Govt; that he will not interfere with the remaining date trees; that if he is not permitted he will

Thus shows that the Shanbogue was the real purchaser

have vainly spent- Rs 20 the pur-
-chase money & Rs 15 more that
he has spent on the land; & that
he stood so far as rights &
liabilities are concerned in the
place of Krishnadow. On
2.12.84 the Asstr made a
full report of the case to the
Sub-Div: Officer observing
that- he would inform
Chanbopa Jayappa that he
should get a proper conveyance
(Exp 6 of 23-5-84) of the land
from Ramaiya & Krishnappa;
that- the trees in the middle may
be permitted to be cut- as they
obstruct- cultivation entirely;
that- those in the valley & its banks
be reserved to Government, in
as much as the land & the trees
thereon are sold. Thereon the
Sub: Div Officer passed the
order already referred to
in 665 of 11.12.84 (Vide page).

C/K.
30/3/97

1/ The fact that the 300 trees
who existed in the land in 1884
have since multiplied themselves
into 21000 trees shows that
the land is eminently

adapted for the purposes of a
Varaam. The Dy Comm[r] has not
forwarded the statement of accusation.
Pending disposal of the petn
the question of Compensation will
have to be settled in the Exec
Dept.

Though no muchalka is
forthcoming to show that the
original darkhast was agreed
to the reserving of the date trees,
there is ample evidence in
the darkhast itself & in the
Sub Dn Officer's order at the
time & the acquiescence
of the occupants in the
reservation as shown in
their repeated requests
for the destruction (being hereinafter by) destroy
the trees.

The Dy Comm[r] seems to
have first thought of giving
the whole portion to the
petr for cultivation, reserving
the rest to Govt. But petr failed
to pay the value of the trees
within the fixed period &
the Dy Comm[r] has decided to
acquire the whole S. No.

Sub D. to 2nd Comr Mtr
WM 6/4/97

RD 6 PM
7.4.97

Mysore Dewan's office

ROUTINE NOTES. Revenue Dept.

[To be used only for notes, requisitions, etc.]

Letter No. 92 dy 30th July 1901, from the Dy Comr, Chitradurg District.

—o—

Assessed waste land, sur: No. 85 of the Bharmasagara village, Chitradurg Taluk, was applied for for cultivation purposes in 1884 and sold by public auction. The land at the time contained about 590 ~~trees~~ date trees, which were reserved to Govt at the time of confirming the sale. The number of date trees subsequently increased, which the holder of the land tried to remove for the purpose of cultivating the land. He also put in a petition to Govt; which was forwarded to the Dy Comr for report. The Dy Comr stated that it was advantageous to resume and reserve the land as a Toddy grove. Thereupon Govt in their order No. 10890-8 / Ex 395 dy 16.6.97 observed that it was unnecessary to apply the provisions of the Land Acqn Regn to the case in question and directed the Dy Comr to explain to the holder of the land that it would be of no benefit to ~~him~~

measuring 14 acres and assessed at Rs 7/-

× Serial No 1

× Serial No 4

× Serial No 5

N.B.—Should notes, etc., be written on slips the notes must be copied on slips passed on this form.

to him to retain the land in-
as much as he could not cut
down the date trees, ~~for~~ and
to acquire the land amicably
after refunding to the holder
the purchase-money and the
amount of assessment paid ⁂
by him up till then.

With reference to the
above order of Govt., the
Dy Comr now reports that—

(1) the Khatedar of the land
refused to come to an amicable
settlement for giving up
the land;

(2) though he agreed not to
cut the date trees, he cut
213 trees, for which he has
been ordered to be prosecuted
and,

(3) a portion of the land has
been sold by the Khatedar
to one Gurupadappa, who
has also been ordered to be
prosecuted for cutting date
trees.

The Dy Comr recommends
that the land ~~XXXX~~ be acquired
under the L. A. Regulation
and set apart for a date
grove, as it contains about
1000 trees and plants and

⁂ Note.
This was because the
land was reported not to have
been cultivated since its gran

Letter No. 92 of 30.7.01.

N. B.—Should notes, etc., be written on small slips the notes must be copied on the

as it is not desired
any private right will
be allowed to subsist in
such land.

The Dy Comr also sub-
mits a declaration in
respect of the land for
the approval of Govt.

Submitted to
the Secretary
N
14/8/01

I do not understand what sort
of prosecution for cutting
the trees is intended, and
whether a good case can
be made out. There is
no muchalka forthcom-
ing in which the occupant
undertakes not to interfere with
existing or future date trees.
Nor is there any clear bind-
ing order recorded.

When passing the pre-
vious order of Govt, the
Res Comr 2nd Council-
lor (Dewan) doubted whe-
ther the L. Acqn Regn
could be used for

during such lands.
doubt is supported
the express provision that
Govt may acquire lands
required for mining
purposes by this method.
Why should not the Govt
be asked to
enforce strictly the terms
of occupancy with
regard to reservation?
The Rev Code &c gives
full power for recover
ing Compensation for
damage to Govt trees.

Still acquisition seems
to have been intended
when passing the previ-
ous Govt Order.

Orders are solicited
on this matter.

Yr Obt Servt
Commissioner

4/9/09
5-30

It was a mistake to
have sold this land reserving
the date trees. Make
over the trees to the holder

If the land is
payment of a revision
price. I think the
practice of reserving
date trees has been but
a step to

D.A. 8/9/1901.

Read 6.9.01.
Draft subd.
7.9.01.

A draft Conveying the
above view is submitted
herewith. But this seems
to require reconsideration
in the light of G.O. d. 20.1.98
(Copy put up). As the number
of trees is said to be 20000 in
this land, it would appear
that it is one in which the
that it is one in which the
reservation cannot be con-
sidered unreasonable.

Other difficulties also
may arise & have to be provided
for in anticipation. Does
the original reservation ex-
tend only to the 5000 trees
said to have been stan-
ding then or to all the large

The reservation can apply
only to the original number
reserved. If you wish to
proceed criminally against
the man you must show
that the tree cut was one of
the number

number apparently springs up since? If the occupant declines to pay the price, what has to be done with the land? How is the price to be assessed? ~~Is it 25 years' purchase~~ Is it to be e.g. 25 times the annual tree-rent that may possibly be realised?

The Dy Comr says that a certain cultivable portion is said to contain 640 trees only but does not recommend partition.

The question of acquisition by Land Acqn Regn procedure has not been decided. If that is held applicable, perhaps it would be the simplest course to enforce it. May I suggest that the ~~2nd Comr~~ ~~title~~ matter may be laid before the Dewan, so that the question may be decided once for all by a rule considered both from Rev & Sec Deptt points of view?

23/9/1901

Why raise all the difficulties in anticipation? Every District Officer that is worth his salt ought to be able to settle these questions. I would give him full discretion both as to price and to making the occupant agree to take the trees at ~~the value assessed by him~~ his valuation. This is the only solution of the question that I can think of as feasible.

I do not think the L.A. Regn can ably deal with cases like these & even if it applied it is not expedient to take action under it in the present case.

I have no objection to the matter being taken before the Dewan. As far as I can see there is no conflict of interests here. I was not aware that the Sec Deptt has a different point of view from the Revenue

26/9/1901.

To the (Sec) Councillor.
R. 24/9/01
Diary No 687

Original papers are herewith sent as per Hawkins's note on weekly Diary No 3 of Aug: 1901 Page 173.

lw
7/9/01

2 Is there not an old standing order which requires Date Trees to be disused, and don't we get a quarterly return of lands granted for cultivation with information as to the use of Date Trees thereon? If any, can we know those Trees have been dealt with?

3

Rev-
Ref[illegible] with 9-9-01
Respectfully
9/9/01

Submitted

Please see 2nd Commissioner's query on the file below:

1. There is no standing order requiring date trees to be reserved on lands given out for Cultivation.

2. Yes. We get the Quarterly returns as per Govt. Prop. No 3593 dt 11-9-84/87 (Please see Monthly Prop. put up).

3. Dy Commrs use their own discretion whether to preserve date trees on lands given out for Cultivation or to make them over to the occupant.

4 In the latest order on the subject the Dy Commrs were requested that pending final orders that lands containing date trees should not

be granted for Cultivation without previous reference to Excise Department, unless the no of trees is in his opinion too small to justify re-servation (Vide para 2 of Proc dtd 6695-703 dtd 20-1-98 Rev. 11/4/01 Copy put up.)

E 4241

Submitted to the 2d Councillor

11/9/01

Read 11.9.01.

If there are Native Gardens in place, I have nothing to say since they refer to reservation of ~~trees~~ land & not of trees.

(Seen & returned) [illegible]

12/1901

Forwarded to the Assistant Secretary

Mysore Dewan's office

ROUTINE NOTES.

Revenue Department

[To be used only for notes, requisitions, etc.]

With reference to the draft order submitted herewith, please see para 2 of Govt Prs: No. 6695-703 Ex 241 dated 20th January 1898, where Dy Comrs are directed to see that lands containing date trees are not granted for cultivation without previous reference to the Excise Deptt, unless the number of such trees is in their opinion too small to justify reservation and the lands are not situated in tracts of spontaneous growth of toddy trees.

Spare copy put up.

According to the wording of this order, the Dy Comr may order the reservation of date trees if in his opinion it is necessary.

In the present case the land has been granted reserving trees.

Mr D Mr Secretary
Draft for approval

12/2/01

N.B.—Should notes, etc., be written on small slips the notes must be copied, or the slips passed on this form.

Office
Let me have these papers for reply at once please
15
To
25/10
Hrw

The Secretary

Have final orders been issued on the following :—

(1) Letter No. R.T. 927 dated 30th July 1901 from the Dy Commissioner, Chitaldrug Dt, soliciting sanction to the acquisition of certain lands in Bharmasagara village of the Chitaldrug Taluk for a toddy grove.
R.T. 128

(2) Letter No. 217 dated 19th Septr 1901 from the Dy Comrs

The drafts were ~~made~~ pressed and I was under the impression that they had been issued. I wanted the Papers back in Connection with a question raised by the 2nd Councillor that such matters relating to date trees should be referred to him also in the Excise Department. The Office mistaking my direction, sent the drafts (without being issued) to me. I was not able to deal with these papers till now owing to Dasara work &c. This explains the delay in issuing these

Kadur Dist reporting on the petition of Aswatha narayanaya of Gangenahalli, Kadur Taluk re the cancellation of the sale of certain lands containing date trees in Belagur village.

P Ramachandra Rao
Dy Commissioner
Mysore

orders.

H
30/10/1907

Now that the question has been raised, it would simplify work in the Secretariat if the matter is definitely ~~so~~ settled.

When a matter refers to two Depts, there is a rule that both of them should concur. It is doubtful whether the rule is meant to apply to the action of the Councillors or the Secretary also. (P 23. Compilation of Rules of business).

The more important question is whether the grant of lands for cultivation ~~of lands~~ becomes also an Excise Dept question, when there are trees on such lands. The question has been

Jagnell

usually treated as
are to be dealt with
in the Rev. Dept.

8/10/1901

Mounted &
the 1st Counsellor
12/11/01

Rec. 4/11/01
911 (AMH)

Please expedite
the disposal of the papers
6/11/01.

The Papers giving rise
to this reference were
submitted to the 2nd
Counsellor. I think that
according to the 1st Coun-
sellor's opinion, these
questions shd be dis-
posed of as hitherto
in the Rev. Dept.

Recd
7.11.1901.

7/11/1901

Note

I am unable to agree
The Revenue Officers
on the subject and
am unable to
from the Revenue to the
Cycle Debt deem
necessary in all cases
involving the disposal
for cultivation purposes
of land either already
let about or
that Reserve or
proposed to be
so let about in
the near future as
a result of the investigation
now in progress or
containing such a thick growth
of ~~trees~~ as to
as matter a consultation
~~from~~ with the Cycle
Board of Local Control
in public interest - &
I am not quite certain
raised this question
a few weeks back in
connection with the
~~proposal~~ by the Government
on the Revenue Debt without

reference to the
Excise debts of
Holdallers Lands of the Parish of Dirleton
a piece of land in the
which the Dry Tower
& the Excise Tower
were situated
could not be
given away for
cultivation without
detriment to Excise
requirements. The
Secy will therefore
place the matter
before the Revenue
for order as to the
procedure to be
followed in such
cases in future. I
am quite aware
that the Commissioners
in Edinburgh do preside
over and circumscribe
- location but I
am unable to consider
that matters of this
description are matters
wholly cognizable &
finally adjudicable by
the Revenue Board
irrespective of the
Excise debts

N. J. O.

Dirleton Castle
Mr Wilkie
Excise Office
Edinburgh

N. B.

Reservation of Govt right
to trees in unalienated
land in Permanent ~~Settlement~~ under
the Revenue Regulation
Code, and I do not
know why it should
be generally objected to
or why in this Northern
Case, where only an
Area of a Vanam containing
twenty thousand Cadjan
trees a reservation
made in the Resident of
Jaffna's Letter No. 8 of Bhavana-
-Lagam so many Years
ago should now be considered a nuisance &
ordered to be
struck out on the ~~Spot~~ head -
I by leave to depart
from the opinion of
the Revenue Councillor
that the levy remits
unchanged, after a
short postponement
of a ~~year~~ return on trees
on Govt land would always
have the effect of
depriving occupants
of unalienated land
from destroying in
their own interests the
Cadjan trees standing on
their land - the question ~~is~~ in a most important one
~~Whether Govt should~~ Govt right - should
be exercised by the Collector -

Govt - which for
long - Collector
right - should
the Collector -

It ought not to be
different from the
usual point of view
than from the Revenue
point of view — & I beg
it will be given the
consideration it
deserves - There is cer-
tainly no antagonism
between the two
depts but it must
nevertheless be con-
-ceded that the one
is a special dept
while the other is
a general one with
several branches
of which ~~the~~ what
is ~~a~~ has somehow
come to be regarded
as the most important
in the Revenue -

12 - 11 - 07

To

The Secretary.

Have final orders been issued on the following:-

(1) Letter No. 92 dated 30th. July 1901 from the Deputy Commissioner Chitaldroog District, soliciting sanction to the acquisition of certain lands in Bharmasagara village of the Chitaldroog Taluk for a toddy grove.

(2) Letter No. 217 dated 19th. Sept. 1901 from the Dy. Comr. Kadur District, reporting on the petition of Aswathanarayanayya of Gangenahalli, Kadur Taluk, re the cancellation of the sale of certain lands containing date trees in Belagur village.

"Signed" V.P.Madhava Rao.

24th. October 1901

Mysore.

Office.

Let me have these papers for reply at once please.

"Intld" H.V.N.
25/10.

The drafts were passed and I was under the impression that they had been issued. I wanted the papers back in connection with a question raised by the 2nd. Cr. t that such matters relating to date

date trees should be referred to him also in the Excise Department. The office mistaking my direction, sent the drafts (without being issued) to me. I was not able to deal with these papers till now owing to Dasara work &ca. This explains the delay in issuing these orders.

Intld. H.V.N.

30/10/1901

Now that the question has been raised, it would simplify work in the Secretariat if the matter is definitely settled.

When a matter refers to two Departments, there is a rule that both of them should concur. It is doubtful whether the rule is meant to apply to the action of the Councillors or the Secretary also (Page 23. Compilation of Rules of business).

The more important question is whether the grant of lands for cultivation becomes also an Excise Dept. question, when there are trees on such lands. The question has been usually treated as one to be dealt with in the Revenue Department.

Intld. H.V.N.

31/10/1901.

Submitted to the 1st. Councillor.

Intld. C.R. 4/11/01

First Councillor's remarks.

I agree.

Please expedite the disposal of the papers.

Intld. V.P.M.
6/11/1901.

The papers giving rise to this reference are submitted to the 2nd. Councillor. I think that according to the 1st. Councillor's opinion, these questions should be disposed of as hitherto in the Revenue Department.

Intld. H.V.N.
7/11/1901.

Note.

I am unable to agree. The Rules of Business are clear on the subject, and an unofficial reference from the Revenue Dept. to the Excise Dept. seems necessary in all cases involving the disposal for cultivation purposes of land either already set apart as a Date Reserve or proposed to be so set apart in the near future as a result of the investigation now in progress, or containing such a thick growth of date as makes a consultation with the Excise Dept. of Government desirable in public interests. If I am not mistaken, I raised this question a few weeks back in connection with the grant by the Government in the Revenue

Revenue Department without reference to the Excise Dept. and with certain general directions printed for the guidance of Deputy Commissioners, of a piece of land in the Holalkere Taluk of the Chitaldroog District which the Deputy Commissioner and the Excise Comr. were of opinion could not be given away for cultivation without detri-ment to excise requirements. The Secretary will please place the matter before the Dewan for orders as to the procedure to be followed in such cases in future. I am quite at one with the 1st. Cr. in strongly deprecating delay and circumlocution, but I am unable to concede that matters of this description are matters wholly cognizable and finally adjudicable by the Rev. Dept. irrespective of the Excise Department.

"Signed" C.Sreenivasiengar.

12/11/1901.

N.B.

Reservation of Government right to trees in unalienated land is permissible under the Revenue Regulation, and I do not know why it should be generally objected to, or why, in this particular case, involving as it does a Vanam containing twenty thousand

thousand date trees, a reservation made in respect of Survey No. 85 of Bharmasagar so many years ago should now be considered a mistake and ordered to be knocked on the head. I beg leave to dissent from the opinion of the Revenue Councillor that the levy recently sanctioned, after a short postponement, of a rent on trees on Government land, would ~~always~~ have the effect of dissuading occupants of unalienated land from destroying in their own interets the date trees standing on their land and for the grant of permission to tap which for toddy they have a right to demand their own price from the lessee. The question is a most important one, and as observed by the 1st. Councillor, ~~it ought not to be different from~~ the Excise is not different point of view ~~than~~ from the Revenue point of view, and I beg it will be given all the consideration it deserves. There is certainly no antagonism between the two Depts. but it must nevertheless be conceded that the one is a special Dept. while the other is a general one with several branches of which what has somehow come to be regarded as the most important is the Revenue.

Intld. C.S. 12/11/01.

Agreed 12-11-01

I think there is no conflict between the two portfolios. In the remarks of the 2nd councillor D/12.9.61 he says that the Ex Deptt is concerned only with granting lands reserved by the Excise Deptt

cont'd from page 4 of the typed notes

and that the Crime dept has nothing to do with reservation or otherwise I think.

Please issue the orders without further delay.

3/12/02

4/12

Mr Mumford

The Secs - May the draft issue without being submitted to the Dewan or the 2d Comr ✓ ?

JR 4/12/02

I thought it had gone to the 2nd Cr. But has it any connection with the case in which ~~Cancel~~ suspension of a darkhast has been ordered?

JR Bring it up with the Case files

JR 5/12/02

5/12

JD

MYSORE DEWAN'S OFFICE.

REVENUE AND GENERAL DEPTS.

NOTE.

TO THE DEWAN OF MYSORE
(FOR ORDERS)

Grant of lands Containing date trees for Cultivation.

Whether this matter should be treated as a Rev Dept~~al~~ question or as an Excise one also requiring a reference to the Ld Councillor in charge of the Exc. Dept~~t~~ is the question. The first and second Councillors differ in the matter & submit according to the direction of the 2nd Councillor, ~~the~~ it is submitted.

13/11/1907

2567
I am of opinion that no official reference ought to have been made to the II Councillor in charge of the Excise Portfolio & the grant objected to in the draft-order on Petn 2544 is unobjectionable.

and ~~[illegible]~~ may be ~~[illegible]~~. omitted

27.XI.07

Rev.

Note General Direction.

Issue after submission to 1st Councillor & 2nd Councillor.

29/11/1907

Subject to 1st Councillor's

30/11/1907.

2389

13/11/01.

I agree & the Order may issue with the marginal remarks

9/12/1907

MGCPB—508—24-8-01.

Memo:

Answer to Secretary's query put on the file no: 24 of 1896-97.

The draft therein referred to has no Connection with the Case in which Suspension of a darkhast had been ordered in Govt Pro: no Pet 1467 dt 28.1.02 directing that the Sagavale Chit issued to one Gopalaiya under Govt Pro: no: Pet 455-63 dt 31.8.01. should be held in abeyance pending further order. The former relates to the grant of land of Survey no 85 in the Bharma Sagara Village, Chitaldroog Taluk, while the latter to that of Survey no 432 of Holalkere Taluk.

The draft orders passed on the latter Case have been issued and its orders are required to be known whether those passed on the former file also may be issued.

The above two files and another Conc. Jandance relating to the grant of Survey no 26 of the Mathagatta halle Village Magadi Taluk which was required by the Secretary to be put up along with these are herewith Submitted. for Hon Secretary

Gpm 12/4/02. 12/4/02

* This has been returned to the Petn Branch — 88 6/6/02

& Signed by Secretary & is submitted to the Dewan 88 6/6/02

Signature

This was lost sight of in the confusion between various orders & delayed for a while. It has not ~~apparently~~ yet gone to the 2nd Councillor. As it refers to Excise Dept. also, please mark draft to be issued & submit to 2nd Councillor.

6/8

Mb minuted to the 2d Councillor
M 6/5/02

Rec'd 7-5-02

Please consult the Excise Comm. & then bring the file back with his opinion.

9/5/02

M 9/5/02

9/10/02

(office note continued)

M 10/5/02

(office note continued.

As directed, the Excise Commr was asked to express his opinion in the matter and in reply he states that the Survey no. 85 in the Bharmasagara village, adjoins the Survey nos 84, 86, 97, 91 & 100 which are now in the list of lands reserved for the purpose of State Toddy Revenue, that it contains 20000 date trees & that it is valuable for toddy revenue. He also concurs with the Deputy Commr. that the land should be acquired for the ~~required~~ purpose of toddy Revenue ~~reported~~ and consequently recommends that necessary ~~declaration~~ declaration may be published in the Gazette for the acquistion of the land

Submitted, to Secretary
13/9/02

KG 12/9/02.

Draft an order accdg to this opinion and let me see it please -

Draft Submitted

17/9/02.

To the Dewan through the 2nd Councillor (Excise) & the 1st Councillor (Land Acq[n])

24/9/1902

Ex. 13
RL 22-902.

I agree to the draft proposed - The land is a most important one from an excise point of view & it would be a pity not to acquire it for excise purposes in the manner proposed -

C[ommissioner] -
23/9/02

To 1st Councillor

23/9

R[evenue] 27/9/02
495

I have already dealt with the question - this was exactly a year & two days ago & I have thought over the matter again & do not see ~~to change~~ reason to change my opinion which is quoted below for ready reference

28/9/1902

"It was a mistake to have
"sold the land reserving
"the date trees. Make over
"the trees to the holder
"of the land on payment
"of a reasonable price.
"I trust the practice of
"reserving date trees has
"been put a stop to."

Ild V.P.M.
3.9.01

"The reservation can
"apply only to the original
"number of trees reserved.
"If you wish to proceed
"criminally against the man
"you must show that the tree
"cut was one of the number.
"Why raise all these difficul-
"ties in anticipation. Any
"district officer that is worth
"his salt ought to be able
"to settle these questions. I

would give him full dis-
"cretion both as to price
"and to making the occupant
"agree to take the trees
" at his valuation. This
"is the only solution of the
"question that I can think
"of as possible".

"I do not think the Land
"Acquisition Regulation can
"apply to cases like these and even
"if it applied it is not expe-
"dient to take action under
it in the present case".

"I have no objection
"to the matter being taken
"before the Dewan. As far
"as I can see there is no
"conflict of interests here.
"I was not aware that the
"Excise Dept. has a different
"point of view from the
"Revenue.

H.E. V.P.M.
26-9-1901

submitted.

The usual course adopted on passing of the papers from one hand to another, as explained by Mr. K. Murti Rao, is true. but one thing which I have to disclose is, that the head clerk before handing over papers to the registering clerk used to make all entries in the number book kept by him for his own information. In this present case last entry in that book is "A" means sent to the Asstt. Secretary. If Mr. Murti Rao had actually seen the Asstt. Secretary's order for transfer, he would have no doubt noted the same in his number book and handed over to the registering clerk who is then held responsible

for further note, but in the absence of such note in his book the registering clerk, I think, is not to be blamed. However it is not possible at this distance of time, to say anything as to how and by whom the petition referred to was sent to the Excise Branch. If the Asstt. Secretary thinks, under the above circumstances that the registering clerk is at fault, he has no remedy but to ask for pardon.

13/9/907

Submitted

If this petn had come for entry in the Issue Book I would have entered it in the Issue Book and sent to the Branch concerned.

The absence of any entry either in the Petn Register or in the Note Book of the D.C. clerk shows that the said petn was not handed over to me for entry in the Issue Book. If there be

any omission on my part to make the usual entries in this connection. I beg to be excused

AH
15-9-02

I think the ~~Hd~~ Hd Clerk (W. Hanlin Rao) is to blame in this matter. His mistake has been listed in the default Register.

15/9/02

Transfer the ~~papers~~ Receipts & ~~Extra~~ papers as soon as the papers are sent to the

15/9/02

Put up the Vouchers

17/9/02

(Five separate slips).

Before transferring
this to Rev B,
I want to know who
is responsible for the
incorrect information
given me on 4/3/02
& on 19/2/02 that pet^n
No 773 of 1901-02 was
with me & could
not be traced further
& appears from the
note of the file record
that this pet^n was
transferred to Exam B
I want very early
reply 27/7/02 P.T.O

Subd.

Petition N° 773 (as per entry in the Petn Register) was submitted to Assistant Secretary on 19.9.01. As no further entry was found in the Petn Register, the Ver. Record-keeper made the above remark on petn N° 2309. The remainder Petn was subd to Asstt Secy with the above remark on 19.2.02 & re-subd on 4.3.02 by the then Hd Clerk (Martindas)

The Asstt Secy then direct=ed a search to be made in the issue books & the English Record-keeper made a search & remarked on 10.3.02 that the Petn could not be found traced further.

It is noted in the Excise Branch (Revenue) Register that Petn N° 773 was received in that Branch on 26.9.01 & subsequently transp. from that Branch to the Revenue Branch, where the file is now pending. As the file is said to be with the Secy, it is not possible now to find out (before seeing the file itself) when the Petn was received back from the Asstt Secy & transp. to the Excise Branch. There is no entry in the issue book as well as in the Petn Register showing its transfer to the Excise Branch (to which the Petn was ultimately sent).

Asst
5.7.02

With the permission
of the Secy. the Hon
Clerk may see the
file & give me
the reqd information

29/7/02

R4.138/93 & 4.7.24/96
obtained from D.C.O.
& put up
Thos
30/8/02

Sub.

The file referred to above
was personally shown to
the Asst Secretary & return
-ed to the Excise Branch.

30-8-02

Petition N 773 was
ordered by the Asst Secy to be
transp. to the Excise Branch
& it was accordingly sent to
that Branch but unfortunat
-ly no entry seems to have
been made in the Issue Book

As action has been
taken on the above petn
on the subject of acquiring for
Govt 6 N 05 (containing date Trig
the petns Nos 2309 & 3011 which
are reminders to the above
petn

Petition no 773 may now be transferred to the Excise Branch where the file on the subject is still pending disposal.

2-9-02

I transfer to Mr. who is responsible for (1) the omission & enter the transfer in the Petn. Reg^r (2) for the omission & enter the transfer in the index book.

3/9/02

As Krishnaswami Iyer just returned from leave to day this explanation also is submitted

15-9-02

Submitted to the Governor

30/9/1902

RD
30.9.02
6370

766/7

Mr Whitehead will
kindly make
with file prepared
put home at once - No
delay or confusion could
have been avoided -

I have no hesitation
in say that the grant
was a mistake - & contrary to
and magnifying the effect of it
land is necessary to be reserved
as a deterrent -
record it is evident that the grantee
has not performed the condition
under which the tenure was granted
This condition was that the date
here then existing & nine strong
were to be reserved and not cut.
The infringement of
This condition is quite legal under
(Section 60 & 4 of 41 of the Act of Repeal. The
question is whether the violation of
the condition will render it right for
the land. I am inclined

answer the question in the affirmative
If any new interest the Govt may
be authorized to give the Occupant
a right of resumption on the ground
of the violation of the condition and
be the possession of the land - This
is one way - and perhaps if this
may note that the Dept could [illegible]
records where done little
in Mc from 1897 to 1901 a period of 4
years in response to the advice of Govt
why was kept back the land by anni
-cable settlement. That the district make
an earnest persistent effort is evident
by the fact of his referring to Mukhandkar
given by Basappa in 1897 - This conduct
is very unsatisfactory -
other course is to acquire the land by
under the Regulation. I did attempt
a draft on this point 2 years ago, but
now see that the draft is not entitled
to much weight as we are practically
dealing with an occupancy right
which has been forfeited by the
default of a main condition - If
our power is doubted whether upon
land under Sec 60 would acquire
the land under the Land Acq Regulation
It is perhaps necessary to point out
that the question as to whether a land
should be acquired or not is a question which
relates to the department dealing with the
land - while the subsequent
proceedings to be taken by Collector in case
with the present definition of mines.
C. X. O'Reilly

7/10
8/10/02

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Acquisition of Survey no 85 of the Bhaminasagara village Chitaldrug Taluk, for purposes of State toddy revenue

Excise Commissioner's letter no 1443/62 dated 3rd September 1902

*
Note.

Assessed waste land S. no. 85 measuring 14 acres and is assessed at Rs 7/- of the Bhaminasagara village, Chitaldrug Taluk, was applied for for cultivation purposes in 1884 and sold by public auction to one Krishna Rao for Rs 20/- The land at the time contained about 590 date trees which were reserved to Govt. at the time of Confirming the sale. The land changed hands to A. Basappa who bought it for Rs 50/- from the last purchaser. The number of

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

dale trees on the land gradually
increased to a considerable
extent, which the present
holder of the land tried to
remove for the purpose of
cultivating it. He also put
in a petition to Govt on 12/11/96 Serial 4
which was forwarded to the
Deputy Commissioner for
report. The Deputy Commr
in his letter no 654-504 dated Serial 64
9/2/97 stated that it was
advantageous to preserve the land as a toddy
grove. Thereupon Govt (in
their Pro. no. 10890-8 & 16.6.97 Serial 5
& 395
observed that it was un-
necessary to apply the provi-
sions of the "Land Acquisition
Regulation" to the case in
question and directed the
Deputy Commr to explain to
the holder of the land that
it would be of no benefit
to him to retain the land
in as much as he could

not cut-down the date trees and to acquire the land amicably after refunding to the holder the purchase money and the amount of assessment paid by him till then the land being reported to have not been cultivated since its grant.

2. With reference to the above order of Govt. the Dy. Commr. in his letter no 92 dated 30/7/01 reported that:-

serial 8.

(1) the Khatedar of the land refused to come to an amicable settlement for giving up the land;

(2) though under the terms of the grant he had not to cut the date trees he cut 213 trees for which he was ordered to be prosecuted; and

(3) a portion of the land had been sold by the Khatedar to one Veerupadappa who was also ordered to be prose-

prosecuted for cutting date trees.

3 The Deputy Commissioner recommended at the same time that the land should be acquired under Land Acquisition Regulation and set apart for a date grove as it contains 2,000 date trees and plants & as it was not desirable that any private right should be allowed to subsist on such lands.

4. The file was submitted to the Hon'ble Councillor & he passed the following order on 3/9/01.

" It was a mistake to
" have sold the land reserved
" the date trees. Make over
" the trees to the holder of
" the land on payment of
" a reasonable price. I
" trust the practice of reserved
" date trees has been put a
" stop to "

5. As the land was said to Contain 20000 date trees and as it was doubtful whether the original reservation extended only to the 5790 trees said to have existed at the time of granting the land, or to all the large number of trees now standing, the file was resubmitted to the 1st Councillor on 23/9/01 for further consideration, a draft in the terms of the above order being however submitted for approval.

6. Thereupon the 1st Councillor observed on 26/9/01 that the Deputy Comm^r had full discretion both as to price and to making the occupant agree to take the trees at his valuation & that this was the only solution of the question he could think of.

7. The above draft could not be issued as the file had since been submitted for reference in connection with a question raised by the 2nd Councillor

that such matters relating to date trees should be referred to him also in the Revenue Dept. This question was under correspondence for some time between the Councillors and the Dewan till 27/11 for when it was ordered by the Dewan that in such instances unofficial reference ought to be made to the 2nd Councillor in charge of the Revenue Port folio.

8. Again the disposal of this reference further delayed as it had to be decided whether the acquisition of a land for a lodge ground came within the Category of "Public Purpose" & whether the provisions of the Land Acqn Regulation were applicable to such acquisitions. This was decided in the affirmative in another instance only in April 1902

I

(acquisition of certain Sur. nos. in Donde Madahalli Nagamangala Taluk Mysore Dist. Correspondence ending with no 421/64 dated 8th April 1902 to the Excise Comr.)

9. The file was aftenwards submitted to the 2nd Councillor on 6/5/02. who ordered on 9/5/02 the Excise Comr. to be consulted in the matter & this was done (vide no 109/4.7.24-96 dated 29.7.02).

10 The Excise Comr. reported (no 1443/62 of 3.9.02) that the S. no. in question ie. 85 of Bhamasalem village adjoins the S. nos. 84, 86, 97, 91 & 100 which are now in the list of lands reserved for the purpose of State Toddy Revenue, that it contains 20000 date trees & that it is valuable for toddy revenue. He also concurs with the Dy Comr.

that the land should be acquired & recommends that necessary declaration may be published in the Gazette.

11. The 2nd Commissioner to whom the file was submitted with a draft on 21/9/01 is in favour of the issue of the draft order directing the acquisition of the land & observes that it would be a pity not to acquire it for excise purposes in the manner proposed (vide remarks & 23/9/01).

12. As regards the question of the Land Acquisition the file was submitted to the 1st Commissioner. He still holds the same opinion as that expressed in his remarks of the 3rd Septr 1901 & 26th September 1901 referred to in page 4 & 5 of this note.

13. The file was thereafter submitted to Dewan on 30/9/01 & 26.10.01 and his orders are:-

"I have no hesitation in "saying that the grant of this "land was a mistake - & Contri- "nuing it was a Continuing of

"of that mistake and magnify-
"ing the effect of it.

"There is no doubt that the
"land is necessary to be conserved
"as a dali grove. From the record
"it is evident that the occupant
"has not conformed to the condi-
"tion under which the tenure
"was granted. His condition
"was that the date trees then
"existing & since growing were
"to be preserved & not cut. The
"imposition of this condition is
"quite legal under section 60
"2(4) of 41 of the Land Revenue
"Regulation. The question is
"whether the violation of this
"condition will not entitle
"the Govt. to resume the land.
"I am inclined to answer the
"question in the affirmative.
"If my view is correct the Dy.
"Commr may be authorized
"to give the occupant a notice
"of resumption on the ground
"of the violation of the condition

"and take possession of the land.
"This is one view – and apropos
"of this I may note that the Dy.
"Comm^r of Chittaldrug ~~does not~~
"seems to have done little or
"nothing from 1897 to 1901 a
"period of 4 years in response
"to the advice of Govt. to try
"to get back the land by
"amicable settlement. That
"he did not make any earnest
"or persistent effort is evident
"by the fact of his referring
"to a mutchalika given by
"Basappa in 1897. His conduct
"is very unsatisfactory.–
"The other course is to acquire
"the land under the Regulation.
"I did express a doubt on this
"point years ago, but I now
"see that the doubt is not
"entitled to much weight
"as we are practically in
"dealing with an occupancy
"the right to which has been
"forfeited by the default of a
"main condition. If our powers

is

"is doubted to enter upon land
"under Section 60 I would
"acquire the land under the
"Land Acqn Regulation."

"It is perhaps necessary to point
"out that the question as to
"whether a land should be
"acquired or not is a question
"which relates to the Defart-
"ment dealing with the matter
"in hand - while the subsequent
"proceedings go before the Vth
"Councillor in accordance
"with the present distribution
"of business.

Draft
Subd as directed by the Dewan on
the 6th instant.

Ld 9/10/02

To the Dewan.

H/Slton
RS Mayne
11.10.2
6551

The question refers both
the Land Rev & Excise Dpts
there is a material difference
between the 1st and 2nd Councillors
in charge of these Dpts and

also myself. It is doubtless
that the interests of the State
~~[illegible]~~ Revenue require the
proper & careful conservancy
of these trees. The question is
one which ought to be placed
before His Highness and I
beg to do so humbly under
clause 4 Rule II
of the Council Rules.

11. X. 02 (Mitd.)

Pet 639

12

Drafts

20-05

12-11-96

SECTION S.P.

FILE NO. R.II-96-97

SERIAL NO. 1

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

1

OFFICIAL MEMORANDUM

The accompanying Appeal Petition No. 1077 dated ~~without date~~ 28-9-96 received at the Dewan's Office ~~from~~ from A. Basappa of Bharmsagarville in the Chitaldrug Dt, appealing against the order of the Dy Comr Chitaldrug Dt No. 5 dated 7-9-96 directing the acquisition of Kot's ~~declining to interfere with the~~ ~~said order regarding~~ land's No. 85 in the above village ~~in the possession of the petitioner~~ for purposes of a tank is forwarded, together with its three enclosures, to the Deputy Commissioner of the Chitaldrug District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order

C2

BANGALORE,

189

Chief Secretary.

19/10/96

allowed 10/11/96

M.G.C.P.B.—25-4-95—1,000

No. 1077. R.
Enclds

Name of Petitioner. N. Basappa.
Village. Bharmasagar.
Taluk. Chitaldroog.
District. Chitaldroog.
Date of Arzi
Date of Receipt 28th Sept/96.
Date of Disposal.
No. of Enclosure. Thana.

Abstract

This is an Appeal against the order of the Deputy Commissioner Chitaldroog.

Deputy Commissioners Order No. 59 dated 7.9.96, under appeal, is as follows:—

"As the Petitioner has failed to pay the money within the fixed time, the Deputy Commissioner declines to interfere with his former order."

The grounds of appeal are;

1. That the land S. No. 85, of Bharmasagar

Stamp sufficient
In time.
Not a council case.

The Dy Commr has decided for acquiring Petr's land under the Land Acquisition Regulation for purposes of a Vanam, & instituted proceedings accordingly. Petr's claims & compensation will be considered in due course.

Subd pr order.

8/10

cancelled
with record
9.10.96

9-10-96

10/10

drafted

19/10/96

Khanderayar of
Chittaldroog Taluk,
has been in the appellant's
holding and enjoyment
during the last 6 years.

2. That about six years
ago, the appellant got
the land under dispute,
from the Shanbogue
Jiappah - who had the same
from one Krishnappa
who in 1885/86, obtained
it by a Dar Khast: That
the land has been in the
enjoyment of the appellant
since he had it from
Jiappah, and he has been
paying the "Candayam"
since then: That the land
has been in the holding
of Ryots for the last 11 years.

3. That the appellant did
not cultivate the land
even since he got it - as
there was not a sufficient
rain fall for the purpose.
However he has this year,
put in the land, 300 Plantain
- bulbs - and some grafted
Mango plants.

4. That at the time of letting
the land under allusion,
for cultivation, the
date

2/.

date trees by the side of the "Hallah" were noted - and sold as "Kalki" for Rs. 20, and a Sagavalli - Chik seine.

5. That it will be observed from the date Records that the land under dispute had a very few date trees on it, and these few were sold: that the land became overgrown with date trees subsequently, as it was left un-cultivated for about 10 or 12 years.

6. That the appellant applied to the Amildar for a License to cut the date trees - as he wanted to cultivate the land: that on the said application of the appellant, the Amildar came and inspected the land in person - and submitted a report thereabout it, to the Deputy Comm.

7. That the Deputy Commissioner also came and inspected the land in person - and found it overgrown with date trees - and he therefore ordered that if the appellant paid Rs. 120 to Govt., the date trees on the banks of the "Hulla" will be reserved, and the rest given to the appellant - otherwise, the whole of the land

land will be ~~resumed~~ acquired by
Govt: That as the appellant
was afraid of losing his
land, he consulted
& the above order of the
Deputy Commissioner
and prayed for permission
& pay the said sum in
3 instalments: That
when the Deputy Comr
had come & Bhaumagar,
he ordered that half of the
said amount should
be paid within the end
of June/96, and the balance
at the time of his paying
the "Candayam" for the
year 1897.

8. That about a month
ago, the Amildar had
come & Bhaumagar:
That the appellant then
paid Rs. 44 towards the
1st instalment of Rs. 60,
and promised & pay the
balance of Rs. 16 within
8 or 10 days: That the Amildar
consented & the appellants
prayer and took Rs. 44.

9. That the Amildar has
given a Notice & the
appellant stating that
if the appellant does not
pay the full amount
before

before the close of acquired
next, his lands will be ~~reserved~~ (acquired) in accordance
with the order of the Deputy
Commissioner: That on
receipt of the said notice,
the appellant presented
petitions both to the Assis-
tant Collector and to the Deputy
Commissioner, in the matter
and obtained the enclosed
Endorsements, in reply
to them.

10. That the appellant purchased the land for
Rs. 100- and has paid a total
assessment of Rs. 80 at Rs. 14
a year - and has spent about
Rs. 100 for improving the land
and rendering it fit for
cultivation: That the land
in question has been sold
the appellant Rs. 300, and
he has derived no benefit
whatever from it yet.

11. That the appellant prays
that the entire records of
the case may be sent for
and perused, and that orders
may be given directing
that the appellant's present
possession of the land may
not be disturbed.

The enclosures of the
appeal petition are:—

(1) Deputy Commissioner's
Endorsement

Endorsement No. 59 dated 7.9.96. Vide its translation at the commencement of the abstract.

(2). Amildar's Endorsement No. 32, dated 17.8.96, to the appellant, stating that he (Amildar) does not give time till next year, & the appellant, to pay the money: that the money i.e. Rs. 64, paid by him, is kept in deposit - and that he may launch back: that the deputy Comr. in his order No. 161/151 of 5-8-96, has ordered the submission of a Journal statement under the Land Acquisition act, for acquiring his land - in consequence of his failure & pay the money immediately: that the order of the Deputy Commissioner will therefore, be carried into effect.

(3). Notice of 22.7.96, from the Amildar & the appellant, stating that as the appellant has failed as agreed, & pay Rs. 120, an account of the

date

3

date this existing on
his land S. No. 85, it was
reported to the Deputy
Commissioner who
in reply, has ordered
in his order No. 79/82,
that if the appellant
fails to pay the full
amount within the
end of august next,
his land should be
~~returned~~ acquired & Govt. is
under the Land-
-acquisition
Act: that the appellant
is therefore, directed
to pay the said amount
within the said time
as otherwise, his
land will be ~~returned~~
acquired

Encl: Statement

1897 (3)

SECTION S R. From

The Secretary to the Govt. of Mysore,

FILE No.

SERIAL No. 2 To

The Deputy Commissioner Chitaldrug Dt.

Dated

Despatched

Received

General No. Pet

No. 1207

Enclosure No.

This Office No. Pet dated 7th ~~November~~ 1896 639 calling for report (with records) on the petition of Basappa of Brahmasagar village, Chitaldrug Dt. regarding the acquisition of Peltis lands S. Nos 85 for the purposes of a Tank

and subsequent ~~reminder marginally~~ noted.

Has the honor to draw attention to the above and to request an early reply thereto.

By order,

Drafe

for Under-Secretary.

20/1/97

RS 7/2

Petr. says that he has affixed stamps to his previous petition.

Referred to Sy. V.L.T.

£ 23/.

770/96. Memo no 6399 11-11-96

Mark
23/1

work
£ 20/.

Refers further
£ 26/1

Submitted a draft-remainder

£ 20/.

137

Enclosure to Secy's 11
1897 Memo Page £

No. 2326

Name of Petitioner Amathundi Basappa

Village Bharmasagara

Taluk Chitaldroog

District Chitaldroog

Date of Arzi 8-1-97

Date of Receipt 15-1-97

Date of Disposal

No. of Enclosure 1

ABSTRACT.

States that in 1895 he preferred an appl
to Govt. regarding the acquisition of his land
Survey no. 85 of Bharmasagara on account
of the date trees on it - that in reply he
was favored with Endorsement no. 6770/10-11-9
intimating the despatch of his petition to the
Dy. Comr. for report and subsequent action in
the proceedings - that in the meanwhile
he got a notice from the Taluk stating
that he should come and take the sum of
44/= paid by him on account of date trees
within 8 days and that if he failed to do
so the amount would be credited to Govt.
that accordingly he went and received
the amount - Prays that, on perusal
of the records orders may be passed

[illegible] to cultivate his lands by removing the date trees.

H.K.
22/11/97

Enclosure

1. Notice of 28-11-96 from the Assistant Collector Zaheerabad asking petr. to come & take back the sum of Rs. 46/- paid by him on account of the value of the date trees.

3.

Reply required
Encl.: are in original

R/P 18-1-97

14/1/97

13

[illegible]

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REC'D. No 2326 R
DATE 15-1-97

[illegible]

[illegible]

[illegible] 28-11-96 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] (44-0-0) [illegible]

[illegible] (V) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SECTION S. R.
Gen. Serial No. 3
FILE NO. 92—(96-7)
SERIAL No. 2 From The Deputy Commissioner Chitaldroog District

REVENUE DEPARTMENT
Gl. No. 5478
Rel. 571
18 FEB 97.
DEWAN'S OFFICE

15 R 211

(4)

Subd in the reference
2nd councillor's order
abstract of petn 1077 of 28.5.96

24/2/97

A precis is called

30/3/97

Subd to 2nd councillor with a precis
6/4/97

R 2 b Pn
7.4.97

What has the Government to say to the acquisition of the land for Coffee plantations? The details have been received — & they — cannot cut — what more does the Govt Department want? Petr cannot cut the trees & without cutting cannot cultivate the land — He must therefore relinquish. Power of Govt to acquire? Why should Govt acquire?

Subd with note. 19

10/4 (97) (252)

To

The ~~Chief~~ Secretary to the Govt
~~Dewan~~ of Mysore.

General and Rev: Departments

Dated 9th February 1897.

Despatched 13

Received

Enclosures No. 5 Received direct / Separately.

General No. 654
No. 604 1896-97

In reply to

SUBJECT.

Submitting herewith records on the petition of A Basappa of Bhaimasagar, Chitaldroog Taluk praying the acquisition of land No. 85 for the purposes of Varam &c.

References—(to be entered only in the Dewan's Office).

Petition March 1897

Rec'd 24/2

Submitted with references.

24/2

No. 654 Sur: 5
604 & a file
A.V.Reed

Deputy Commissioner's Office
Chitaldroog District
Dated 9th February 1897.
13

To

The Secretary to the
Government of Mysore
General and Revenue Department

Sir,

With reference to your official Memorandum No: Petition 639 dated 7th November last, forwarding a petition received from A Basappa of Bhaumasagar village in the Chitaldroog Taluk appealing against my orders directing the acquisition of petitioner's land Survey No: 85 in the above village for purposes of a Vanam, and calling for the submission of the entire proceedings connected with the case together with a full report of the facts of the case and on the points urged in the petition, I have the honor to state as follows:—

2. An assessed waste land bearing Survey No: 85 in the Bhaumasagar village of the extent of 14 acres, assessed at Rs: 7/- was applied for, for cultivation purposes in the year

year 1884 by one Abkari Ramanja. As the land then contained about 590 date and 2 Neem trees, it was sold by public auction under the Abkhari rules and was purchased by one Krishna Rau for Rs: 20/. Although the trees standing on the land in question were entered in the Sale proclamation, it was reserved to Government by the then Sub Division Officer at the time of confirming the sale by him

3. This land changed hands and was subsequently bought by the present petitioner A Basappa from the last occupant for Rs: 50/. He wanted to remove the date trees standing on the cultivable area and petitioned the authorities for permission to do so. After personal inspection of the spot, I directed the Amildar, that if the petitioner should pay Rs: 120/ being the Amount of upset price fixed for the trees standing on the cultivable area, the same may be subdivided and given out to the petitioner for cultivation. The petitioner who consented to pay the Amount made a part payment of Rs: 44/. and having failed to pay up the balance within the time allowed viz: by August 1896. I called upon the Amildar to take steps for the acquisition of the land

since

since it contained a very large number of date trees so that it may be assumed as a Varum a reasonable compensation therefor being paid to the occupant.

4. The first purchaser Krishna Rau having acquiesced in the right of trees assumed to Government at the time of the confirmation of the sale, the last buyer A Basappa (Petitioner) has I think no right to the date trees, and as their number has considerably increased since then, it is inadvisable that the occupant should continue to hold the land. His interest is diametrically opposed to that of Government and every day it is becoming more and more difficult for him to prevent the growth of date trees in the land. It is therefore advantageous as well in the interests of the Ryot as in the interest of Government that the land should be resumed and assumed as a Tody grove.

5. The remarkable papers bearing on the subject of this reference and the appeal petition are herewith submitted.

I have the honor to be
Sir,
Your most obedient Servant

Deputy Commissioner

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 1077 R
DATE 28 9 96

Encl 3
Petition dated 21/9/96
with one letter
from Secretary
Stamp attached

21/9/96

28/9/96

ಸಂಖ್ಯೆ: 300 ಅಂಚೆ ಕೆಲಸಗಳನ್ನು ಸೇ ತಿಳಿಸಲಾಗಿದೆ
ಮಾಡಿ ಕೊಡಿ -

4 ಈ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ತಿಳಿಸಿರುವ ಅಂಚೆ ಕಚೇರಿಗಳಲ್ಲಿ ಮಾತ್ರ
ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಮಾರಲಾಗುವುದು. ಪ್ರತಿ ಅಂಚೆ ಕಚೇರಿಯಲ್ಲಿ
ಮಾರಾಟಕ್ಕಿಡುವ ಪ್ರಮಾಣಪತ್ರಗಳ ಸಂಖ್ಯೆಯನ್ನು ಸೀಮಿತಗೊಳಿಸಲಾಗಿದೆ.
ಪ್ರತಿ ವ್ಯಕ್ತಿಗೆ ಗರಿಷ್ಠ ಹತ್ತು (10) ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಮಾತ್ರ
ಖರೀದಿಸಲು ಅವಕಾಶವಿರುತ್ತದೆ.

5 ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಳ್ಳಲು ಬಂದವರು ತಮ್ಮ ಗುರುತಿನ
ಚೀಟಿಯನ್ನು ತೋರಿಸಬೇಕು. ಪ್ರತಿ ಅಂಚೆ ಕಚೇರಿಯಲ್ಲಿ ಪ್ರತಿದಿನ 10-12
ಗಂಟೆಗಳ ಕಾಲ ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಮಾರಲಾಗುವುದು. ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು
ಖರೀದಿಸಿದವರ ಹೆಸರು, ವಿಳಾಸ ಮತ್ತು ಗುರುತಿನ ಚೀಟಿಯ ಸಂಖ್ಯೆಯನ್ನು
ಅಂಚೆ ಕಚೇರಿಯವರು ದಾಖಲಿಸಿಕೊಳ್ಳುತ್ತಾರೆ.

6 ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಖರೀದಿಸಿದವರು ಅವುಗಳನ್ನು
ಹಿಂದಿರುಗಿಸಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕಳೆದುಕೊಂಡರೆ
ಅಥವಾ ಹಾಳು ಮಾಡಿಕೊಂಡರೆ ಅವುಗಳನ್ನು ಬದಲಿಸಿಕೊಡಲಾಗುವುದಿಲ್ಲ.
ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕಳೆದುಕೊಂಡವರು ಅಥವಾ ಹಾಳು ಮಾಡಿಕೊಂಡವರು
ಹೊಸದಾಗಿ ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಕಳೆದುಹೋದ
ಪ್ರಮಾಣಪತ್ರಗಳು ಸಿಕ್ಕಿದರೆ ಅವುಗಳನ್ನು ಮಾರಲು ಪ್ರಯತ್ನಿಸಬಾರದು.
ಹಾಗೆ ಮಾಡಿದರೆ ಅಂಥವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.
ಅಂಥವರಿಗೆ ಯಾವುದೇ ಪರಿಹಾರ ನೀಡಲಾಗುವುದಿಲ್ಲ.

7 ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಪ್ರಮಾಣಪತ್ರಗಳ ಮಾರಾಟವನ್ನು
ಮುಂದೂಡಲಾಗುವುದಿಲ್ಲ. ಅಂಚೆ ಕಚೇರಿಗಳಲ್ಲಿ ಪ್ರಮಾಣಪತ್ರಗಳು
ಮುಗಿದ ನಂತರ ಬಂದವರಿಗೆ ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಡಲಾಗುವುದಿಲ್ಲ.
ಪ್ರತಿ ಪ್ರಮಾಣಪತ್ರದ ಬೆಲೆ ರೂ. (120-00) ಆಗಿದ್ದು ಅಷ್ಟೇ ಹಣವನ್ನು
ಕೊಟ್ಟು ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಳ್ಳಬೇಕು. ಚಿಲ್ಲರೆ ಹಣವನ್ನು
ಕೊಡಲಾಗುವುದಿಲ್ಲ. ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಳ್ಳಲು ಬಂದವರು
ಸರಿಯಾದ ಹಣವನ್ನು ತರಬೇಕು. ಚಿಲ್ಲರೆ ಹಣವನ್ನು ತಂದವರಿಗೆ
ಪ್ರಮಾಣಪತ್ರಗಳನ್ನು ಕೊಡಲಾಗುವುದಿಲ್ಲ.

12

131

7/9/96.

1140

32

ಸೇವೆಯಲ್ಲಿ

ಶ್ರೀಯುತ ಸಹಾಯಕ ಆಯುಕ್ತರು
ಕಾರವಾರ

ಮಾನ್ಯರೇ,

ನಾನು ಕಾರವಾರ ತಾಲೂಕಿನ ಕಿನ್ನರ ಗ್ರಾಮದ
ಸರ್ವೆ ನಂಬರ 161/181 ಜಮೀನಿನಲ್ಲಿ ಸುಮಾರು 1 ಎಕರೆ
ಜಾಗದಲ್ಲಿ ಕಳೆದ 30 ವರ್ಷಗಳಿಂದ ಮನೆ ಕಟ್ಟಿಕೊಂಡು
ವಾಸವಾಗಿದ್ದೇನೆ. ಸದರಿ ಜಾಗವನ್ನು ನನ್ನ ತಂದೆ
ಶ್ರೀ ಗಣಪತಿ ಹರಿಕಂತ್ರ ಇವರು ಸುಮಾರು 1960
ನೇ ಇಸವಿಯಲ್ಲಿ ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡಿದ್ದರು.
ಅವರು ಮರಣ ಹೊಂದಿದ ನಂತರ ನಾನು ಸದರಿ
ಜಾಗವನ್ನು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದೇನೆ.
ಸದರಿ ಜಾಗವನ್ನು ಸರ್ಕಾರದ ಯಾವುದೇ ಇಲಾಖೆಗೆ
ಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಸದರಿ ಜಾಗವನ್ನು ಸರ್ಕಾರದ
ಯಾವುದೇ ಇಲಾಖೆಯವರು ಸಹ ಉಪಯೋಗಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ.
ಆದ್ದರಿಂದ ಸದರಿ ಜಾಗವನ್ನು ನನ್ನ ಹೆಸರಿಗೆ
ಮಂಜೂರು ಮಾಡಿಕೊಡಲು ಕೋರಿ ಈ ಅರ್ಜಿಯನ್ನು
ಸಲ್ಲಿಸಿದ್ದೇನೆ. ಸದರಿ ಜಾಗವನ್ನು ಸರ್ವೆ ಮಾಡಿಸಿ
ಹದ್ದುಬಸ್ತು ಮಾಡಿಸಿಕೊಡಲು ಕೋರಿದೆ.

ದಿನಾಂಕ: 17/8/96

ತಮ್ಮ ವಿಶ್ವಾಸಿ

SECTION S.R.

FILE No. 3 (86-7)

SER'AL No. 3

Enquiries ordered 2 Drafts

Read :-

Letter No : 654 / 604 dt 9th February 1897 from The Deputy Commissioner, Chitaldroog submitting report, with records, on the petition of A. Basappa of Bhatmadapura Village, Chitaldroog Taluk, in re the acquisition of Survey No : 85 of the said village having an extent of 14 acres with an assessment of Rs 7/-

Also

Petition No : 1077 dt 28th September 96 from A. Basappa of Bhatmadapura Chitaldroog Taluk, appealing against the Deputy Commissioner's order directing the acquisition of the above land.

No 10890-8 / Ex : 395 dt 16/6/97

2 Drafts 16.

Orders thereon - Govt observe that it is unnecessary to apply the provisions of the Land Acqn Regulations to this case.

The land referred to above now contains 19,200 date trees & One of the conditions of its grant is that Toddy trees, both existing and hereafter growing, should not be cut. It is obvious that, as long as this condition is properly enforced, the occupant cannot cultivate the land or derive any other profit therefrom. The Deputy Commissioner will therefore explain this ~~matter~~ aspect of the case to the Petitioner & ~~to him~~ and proceed to acquire the land

amicably after refunding to him the purchase
- money and the amount of assessment
which he has paid up to date.

2. The Excise Commr ~~will find out if true as~~ and other Districts is requested to make a similar cases in the Khitaldroog ~~or assay~~ and reports the results for the orders of Govt.

Secretary 7/6/97

5/6/97

2/6/97

The Excise Commr in Mysore

" Deputy Commr Khitaldroog Dt.

~~" Comptroller, Mysore Govt.~~

The Deputy Comrs of other Districts.

Subd to Secy

may this be printed?

5/6/97.

7/6/97

Returned

Rec'd 4/8/97

SECTION S.R. 24

Gen. 31.]

FILE No. 24-86-7 (6)

SERIAL No. 4

REVENUE DEPARTMENT
Gl. No. 1219
R. 718
14 AUG 97
DEWAN'S OFFICE

Ext: Br.
11/8/97
Necessaries
Ext: Br.
18/8

Rec'd 20/8/97.

Subsidiary draft
20
25/8/97

From The Deputy Commr.
Chitaldroog.

To
The Secretary to the Government
~~Dewan~~ of Mysore.
Revenue & General
Departments.

Dated 7th
Despatched
Received
} August 1897

General No. 133-
No. 129-

Enclosure No.

With reference to the
Proceedings of Govemt.
No. 10890-98 dated
16th June last, has
the honor to request
that the Vernacular
records Connected
with the case submitted
with this office letter
No. 65-4 dated 9th.
604
February 1897 may
be kindly returned
to this office at an

an early date for reference.

Yours sincerely

Deputy Commissioner

SECTION S. R.

FILE NO. 24-(86-7)

SERIAL NO. 5

3

(7)

To The Deputy Commissioner
Chitaldrug Dt
thro' the Excise Comr
in Mysore

2361. 28th August 1897

E 87

Ex 87

~~Letter No.~~

Docket No. 133/129 dt 7th August 97
from the Dy Comr Chitaldrug
requesting the return of the vernacular papers connected with the case submitted with his No. 654/604 dt 9th February 1897 for reference.

~~Subject~~

~~Acquisition of lands, No 85 Bhadravathi village Chitaldrug taluk, Chitaldrug dist~~

Has the honour to return the vernacular papers as requested in the above.

By order

26/8/97
for Secretary

93
25/8/97

(8) 32

SECTION S.R. 165

FILE NO. 22 (96-1)

SERIAL NO. 6

1901

REVENUE DEPARTMENT
GENERAL OFFICE
AUG 1 1901
R427

From The Deputy Commissioner
Chitaldrug District

To The Secretary to the
Government of Mysore
Genl & Revn Departments
Bangalore

Dated

Despatched 30th July 1901

Received

General No. 92
No.

Enclosure No. 1 a file of V. papers with as per abstract.

Submitting for Govern orders certain correspondence in re the acquisition of Survey No 85 of Bharmasagara Village in the Chitaldrug Taluk for the purpose of a Toddy grove &c.

R

1.8.01

Sd with a note.
HHL 10.8.01

Office of the Deputy Commissioner
Chitaldroog district

Encl: (attn a file of V.P. as per plaint)

No 92

Dated, Chitaldroog 30th July 1901

From,

The Deputy Commissioner,
Chitaldroog district.

To,

The Secretary to the Government
of Mysore, General and Revenue
Departments, Bangalore.

Sir,

Adverting to Correspondence noted in the margin* in re the acquisition of Survey No: 85 of Bharamasagara village in the Chitaldroog Taluk for the purpose of Todday grove, I have the honor to state that Basappa, the Khatedar of the said land, refused to come to an amicable Settlement for giving it up to Government. (Vide Copy of his deposition dated 5th August 1897 herewith Submitted), but agreed not to interfere with the date trees there in on pain of such punishment as might be inflicted by Government.

Thereupon,

* This office letter no: 654/60-4 dated 9th February 1897.
Government Proceedings no: 10890-98 of 16th Ex. 395 June 1897.

30 Full fr own trees
120 trees between 5 & 10 yards of A
63 Plants of and above 1 yard in height.

2.

Thereupon in this Office order No. 280 dated 12th September 97, the Amildar of Chitaldroog was directed to see that the trees were not interfered with.

2. On the 29th August 1900, the Excise Supervisor reported that Khatedar Basappa had destroyed 213 toddy trees (as noted in the margin) which were standing on the land in question and the Excise Assistant Commissioner recommended the prosecution of Basappa.

3. It was ascertained that the Khatedar Basappa had, in the meantime, sold half of the land to one Gurupadappa. Both these men were examined by the Deputy Commissioner on the 12th March 1901, when they desired that the cultivable portion of the number might be allowed to remain in their enjoyment, the remainder being reserved for a date grove and that the toddy yielding trees on the cultivable area might be sold to them at 6 annas per tree. The number of such trees was reported to be 600. In April 1901, however,

however, Basappa and Sunnadappa petitioned the Deputy Commissioner that they would pay at 6 annas per tree only for such of the trees as were standing upon the land at the time of its original grant for cultivation purposes in 1884. The Amildar was thereupon asked to submit the explanations of these men as regards their having destroyed the date trees contrary to their agreement.

4. With his report No: 20 dated 4th July 1901, the Amildar submits the statements of Basappa and Sunnadappa. The former states that no tree has been cut down in his portion of the land, and the latter while admitting that he has cut down 40 or 50 plants, alleges that he is not liable to be punished therefor, as the plants sprung up after the grant of the lands for cultivation purposes 27 years ago and no reservation was made of the trees when the land was sold in 1884.

5. I have directed the prosecution of Basappa and Sunnadappa for destroying 213 trees and plants which were standing on the land, in violation of the agreement entered into by the former on 5th August 1897.

At

At the same time, I am of opinion that the land in question must be acquired under the land acquisition Regulation and set apart for a date Vanam. The land is reported to Contain about 20,000 trees and plants Covering an area of 14 acres assessed at Rs *13. It is not desirable that any private right Should be allowed to subsist on such land, and in this view, I am not prepared to recommend that Basappa and Gurupadappa Should have the so-called Cultivable portion of it with the 600 toddy yielding trees therein on payment of a price for the trees. The land being overgrown with date trees, it seems to me it is not possible to carry on any cultivation in it.

* Dry. Rs 5—a—
wet Rs 8—a—
*13—a—

6. If my recommendation is approved, I beg that the accompanying declaration may be published in the Mysore Gazette.

7. I have also directed the amildar to issue a notice to Basappa and Gurupadappa prohibiting them from further

further interfering with the Rake trees and Carrying on Clearing Operations for purposes of Cultivation.

8. The Vernacular record is herewith submitted for reference and kind return when no longer required.

I have the honor to be,
Sir,
Your most obedient Servant,

Venkatarama Rao

Deputy Commissioner

MK.

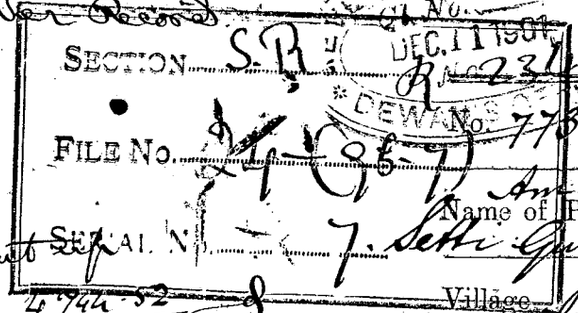
Reference & note please

To Rev. Record

6/9/01.

Rev. Br.

Please put in Gort Corr. No: 4744-52 of 24-4-96



R 7138-93

All

10-9-01

Peta Br

The file in question was taken by the Excise Branch & Subr to I & C Br on 14/8/01 Mr. 14/9/01 Sd

17-9-01.

Engd. of the file has come back it has now to be transferred to Ex Br for disposal

24/9/01

26/9/01 Sd.

This question seems to be pending disposal in the Rev. Br. (Please see the pelz of the Rev. Records on the page for the return of 4-7-24-96 sent to the Rev. Br on 3/8/01 for pelz to R 477) May this Petn with R. 7138-93 be therefore transmitted to the Rev. Br. for disposal?

Issue 16-10-01

Please transfer this to Rev. Branch for disposal. Perhaps these papers will be required for the file now being dealt with in the Rev. Branch.

1901 4183 26-9-01

9

Name of Petitioners: Amakundi Basappa and Setti Gurupadappa

Village: Bharamasagara

Taluk / District: Chitaldrug

Date of Arzi: 30-8-01

Date of Receipt: 3-9-01

Date of Disposal:

No. of Enclosure: Two

ABSTRACT

The petitioners appeal against the Amildar's endorsement Nos 50 and 51 dated 2/7/8/01 which run as follows:—

order has been received for the acquisition, under the Land Acquisition Regulation, of S. No. 85 of Bharamasagara in your Khata and enjoyment.

" Order No. 73 dated 25/7/01 of the District Huzur directs that you should be informed

MGCPB—23-3-01—3,000.

that in future you should
not cut down the dale trees standing
on the said number and
that you ~~not~~ should not make
any attempt to cultivate
it."

The petitioners state as
follows:—

The original purchaser
of the land in question was
one Krishnappa, who subse-
quently sold it to one
Gururajappa. In 1889-90
~~Gururajappa~~ sold it to the first
petitioner. Last year the first
petitioner sold half of this land
to the 2nd petitioner for Rs 300/-

In 1896 the Dy: Comr
tried to acquire the land
in question under the Land
Acquisition Act. But the
first petitioner appealed to
Govt, who granted him endorse
ment No 1077 dated 10-11-96.
The land has since been left

in his possession and enjoyment. But the Dy: Comr forced him to sign a Muchalika binding him not to cut the trees. The petitioner never consented to give up his right over the date trees.

Some six months back the Dy: Comr made them believe that the date trees belonged to Govt, and informed them that if they wanted the trees, they had to pay six annas for a tree. He then got a second Muchalika signed by the petitioners.

Subsequently the petitioners learnt that the trees did not belong to Govt, but were their own property. They therefore submitted a petition to the Dy: Comr withdrawing their consent to the above agreement.

But the Dy: Comr has passed
the order now appealed against.

They urge the following
grounds:—

The right to the date
trees was not reserved
by Govt when the land was
first sold to the original
purchaser.

The said right was not-
subsequently acquired by
Govt for any valuable consideration.

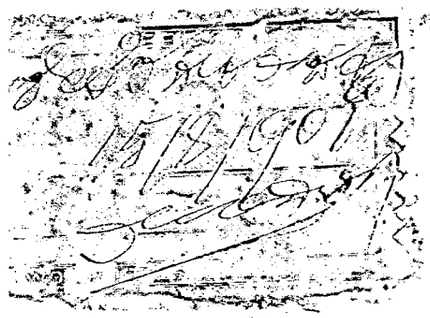
The Dy: Comr's dealings
with the petitioners in connection
with this land are unjust

For the above reasons
they pray that the portion
of the land occupied by the
date trees may be acquired
by Govt by paying proper compensation,
and under Govt order
No. 4744-52 dated 24-11-16,
the remaining empty portion
under cultivation be separately
assessed and left in their
possession and enjoyment.

Rad 5/9/07

R 7 138 of 93

Boy peon Deg
Read
3/9/01
773



MYSORE REVENUE
PETITION
REGD. NO. 7731
DATE 3-9-1901

To

Two Rupees Stamp affixed

The Dewan in Council
to the Govt. of Mysore
Bangalore

The humble petition of
1 Amakundi Basappa &
2 Setty Gurushidappa, ryots
of Bharamasagara village
Chitaldrug Talugue

The petitioners beg to state as follows:-

The land Survey no: 85. extent 14 ac. assessed 7 Rs in the village of Bharamasagara was in the sole occupation & enjoyment of the 1st petitioner for the past 11 years & since a year it has been in the occupation & enjoyment of both the petitioners, as the 2nd petitioner bought half the land for 300 Rs from the 1st petitioner. But the patta of the entire land is in the name of the 1st petitioner.

The land in question was applied for for cultivation & sold by public auction in 1885-86 for 20 Rs, the right to me date trees standing on it not being reserved by the Govt. After a time the darakhastadar & punchayer one Krishnappa sold it to one Gunnajappa, who in his turn sold it to the 1st petitioner in the year 1899-90 for 100 Rs.

The 1st 2 occupants allowed the land to remain uncultivated & so the number of

date

date trees increased. After the 1st petitioner got possession, he spent more than 300 Rs. for the improvement of the land including the construction of an irrigation canal. A portion of the land is now classed as wet.

In the year 1896 the District Deputy Commissioner of the Taluk Amildar tried to acquire it to Govt. under the Land Acquisition Act; but as the 1st petitioner objected to it & submitted his humble petition to Govt., he got an endorsement No: 1077 dated 10th Nov: 1896. & the land was left in the possession & enjoyment of the petitioner. However under the influence of the deputy commissioner's threat, the 1st petitioner was against his will forced to sign a Muchilika binding him not to cut the trees. But the petitioner never consented to give up his right over the date trees.

About 6 months back the deputy Commissioner came to the village. The petitioners were again induced to believe that the date trees on the land in question belonged to Govt & that if they wished to own them, they had to pay for them at 4 as a tree & accordingly he got a Muchilika signed by them.

Soon after the petitioners who had very reluctantly signed the Muchalika learned that the date trees did not belong to Govt but were their property they submitted to the Dy. Commissioner a petition with drawing their consent to the above Land agreement.

Upon this the Dy. Commissioner & the Amildar have resolved to deprive the poor petitioners of their land. & Orders

45

Orders to that effect have been given to the petitioners prohibiting them to enter upon the land. The said orders are herewith submitted. (Nos. 50 & 51 dated 2.8.01)

Against these orders the petitioners beg to appeal to your honour on the following Grounds:-

I That the right to the date trees on the land has not been reserved by Govt. as will be shown on a kind perusal of the original darakhast & auction records.

II That the said right has not been subsequently acquired by the Govt. for any Valuable Consideration.

III That the dealings, in regard to this land, of the Dy. Commissioner with the petitioners are very unjust.

IV That the proposal of the Dy. Commissioner to acquire the entire land which was in a barren state but which is now quite fertile & worth more than 600 Rs, and in which there is appreciable empty space under cultivation, is opposed to the Govt. Order No: 4744-52 dated 24th November 1896 which expressly states that whenever appreciable empty spaces fit for cultivation exist in date Groves & there is demand for land for cultivation, such empty spaces may be subdivided as far as possible & made available for Cultivation.

The petitioners, Moreover, pray that that portion of the land on which the date trees are

Standing may be taken over by the Govt & proper Compensation paid for it; and that the empty spaces which are now under cultivation may be separately assessed & allowed to remain in the possession & enjoyment of the two petitioners who have worked hard, & spent large sums for its improvement but who have not as yet reaped full benefit from it.

The petitioners further most humbly beg that as the paddy crop is now standing on the land, the appeal may be kindly disposed of favourably as early as convenient.

Date. 30. 8. 1901

ಪೈಲ್ ನಂ
50

ಎನ್ಕ್ಲೋಸರ್ ನಂ 7

ಶ್ರೀ ರಮೇಶ್ ಕಟ್ಟಿಮನಿ ಅವರು ಸಲ್ಲಿಸಿರುವ
ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಕೋರಿರುವಂತೆ
ಮಂಜೂರು ಮಾಡಲಾಗಿದೆ

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಕೋರಿರುವಂತೆ ಅಂಗಡಿ
ಮಳಿಗೆಯನ್ನು ಹಂಚಿಕೆ ಮಾಡಲು ಸಂಬಂಧಿಸಿದ
ಕಛೇರಿಯ ಪರಿಶೀಲನೆಯಲ್ಲಿ ಅಂಗಡಿ
ಮಳಿಗೆಯನ್ನು ಹಂಚಿಕೆ ಮಾಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಆದ್ದರಿಂದ ಅಂಗಡಿ ಮಳಿಗೆಯನ್ನು
ಹಂಚಿಕೆ ಮಾಡಲು ಸಂಬಂಧಿಸಿದಂತೆ
ಮಂಜೂರಾತಿಯನ್ನು ಹಿಂಪಡೆಯಲಾಗಿದೆ
ಎಂದು ತಿಳಿಸಲು ವಿಷಾದಿಸಲಾಗಿದೆ
ಎಂದು ಆಯುಕ್ತರು ಮತ್ತು ಕಾರ್ಯನಿರ್ವಾಹಕ
ಅಧಿಕಾರಿಗಳು ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ 73
ದಿನಾಂಕ 25.7.01 ರಲ್ಲಿ ಆದೇಶಿಸಿರುತ್ತಾರೆ
ತಿಳಿಸಿರುತ್ತಾರೆ

2.8.01

ಸಹಾಯಕ ಆಯುಕ್ತರು
Amildar

Encl: Xerox Sl. 1

ಪಿರ್ಯಾದುದಾರರು ಮೇಲ್ಕಂಡ ಸ್ಥಳಕ್ಕೆ ಹೋಗಿ ಪರಿಶೀಲಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಜರುಗಿಸಲು ಆಕ್ಷೇಪಣೆ ಇರುವುದಿಲ್ಲವೆಂದು ಹೇಳಿಕೆ

ಮೇಲ್ಕಂಡ ಸ್ಥಳವು ಸರ್ವೆ ನಂ. 85 ರಲ್ಲಿ ಬರುತ್ತಿದ್ದು ಅದಕ್ಕೆ ಪೂರ್ವಕ್ಕೆ ಸರ್ವೆ ನಂ. 84 ಪಶ್ಚಿಮಕ್ಕೆ ಸರ್ವೆ ನಂ. 86 ಉತ್ತರಕ್ಕೆ ಸರ್ವೆ ನಂ. 87 ದಕ್ಷಿಣಕ್ಕೆ ಸರ್ವೆ ನಂ. 83 ಆಗಿರುತ್ತದೆ.

ಪಿರ್ಯಾದುದಾರರು ಮತ್ತು ಸಾಕ್ಷಿದಾರರು ಮೇಲ್ಕಂಡ ಸ್ಥಳವನ್ನು ಪರಿಶೀಲಿಸಿ ಸ್ಥಳದ ಸ್ಕೆಚ್ ಮಾಡಿಕೊಂಡು ಸ್ಥಳದ ಪಂಚನಾಮೆಯನ್ನು ಮಧ್ಯಾಹ್ನ 12.00 ಗಂಟೆಯಿಂದ 25.7.01 ರಂದು ಸಂಜೆ 7.30 ಗಂಟೆಯವರೆಗೆ ಜರುಗಿಸಿದ್ದು

-6/9/01

Re Reference

11-2-02

SECTION

FILE No.

SERIAL No.

4-26/10/02

190 2

12

No. 2309

Name of Petitioner Amakkanavar Basappa s/o Late Giraspadappa residing in

Village Bheramesagara.

Taluk Chitaldurg

District Chitaldurg

Date of Arzi 31/8/02

Date of Receipt 6/1

Date of Disposal

No. of Enclosure —

11-2-02

Subject the subject matter of the petn was that the said No 85 had been ordered to be reserved as it contains several date trees, the petr praying that the portion containing date trees may be separately acquired after payment of compensation and the remaining portion confirmed to him

19-2-02

Put: Note in the petn

Ref: No 773/1901-02.

Surely it is not with us.

21/2/02

Subject there is no further entry in the Registers.

4/3/02

Let the Record-keeper (Copy dt 1/22) see the Petn is in the current Records. Also see if there transfer to Excise Branch (Brief & index book &c)

4/3/02

ABSTRACT

Reminder to their previous petitions of 31st Aug 1901 regarding land No 85

The petitioners state that the D.F. Comr. be strictly ordered them not to enter the said numbers that as they are not allowed to cultivate, they have been put to much inconvenience & pray for the early disposal of their petition

WB
10/21

MGCPB—23-6-01—3,000.

137

Reference
H 12.5.02

2309/01 to Rl Gol 6.89

3 Regs

13-5-02

Note.
~~The reference relating to~~
The 1st petn No 773 dated 01
(a copy of which is now
produced) could not be
traced though a full search
was again made for it.
H 16.7.02

Ver Records to 20/6/02

Please put up the
petn said to have been
presented to Govt by the
1st Petr in 1896.
5/89

~~20-6-02~~

~~(1)~~

~~(2)~~ 1896-97 ~~1077~~ 2326 ~~28.1.97~~ ~~1207~~ 21/6/02

SECTION
FILE NO.
SERIAL NO.

REVENUE DEPARTMENT
SEP 17 1902
DEWAN'S OFFICE

R 1004 1901-02

No. 3011

Name of Petitioners 1) Anakundi Basa
ppa and
2) Setty Guru Siddappa

Village Ryotoor

Taluk Haramasagara

District Chitaldrug.

Date of Arzi 24.4.02

Date of Receipt 29.4.02

Date of Disposal

No. of Enclosure 1) previous petn 2309
~~2) and a copy of the 1st petn~~
3) postal receipt

ABSTRACT

With reference to Govt
No 2309 dated 17.3.02 Submit
herewith a copy of their
1st petn and also the postal
acknowledgment receipt
showing the receipt of
the petn in this office
on 3.9.01

H 12/5/02

The copy of the 1st petn now
produced is as follows:-
Appeal against the Amildars
orders Nos 50 and 51 dated 2.8.01
giving the substance of the
Dy Comrs order
No 73 dated 25.7.01 to the
effect

MGCPB—4,000—31-1-02

effect that S. no. 85 (extent 14 acres assd. ₹ Rs) in the village of Bharmasagara will be taken over by Govt and that the petrs should cease entering upon the land. ~~on the following grounds:~~

The petrs state that the land in question was sold in public auction for Rs 20/- on the darkast in the year 1885-86; that the right to toddy trees was not then reserved to Govt; that the then purchaser Krishnappa sold the land to the 1st petr Basappa for Rs 100/-; that the 2nd petr purchased half of it for Rs 300 from the 1st petr; that both have been in possession thereof since then; that the land was left uncultivated for some time, when the toddy trees increased; that Rs 300 was spent by the 1st petr towards the improvement of the land; that in 1896 the Defaulr and the Asstdar wanted to acquire the land.-

that on the complaint of the 1st petr to Govt in 1896, the land was left undisturbed; that the records will show that the right to toddy trees was not reserved to Govt - that the Dt Auths rules Subsequently prohibited the petrs from cutting the trees, and that by threat the petrs were asked to execute a muchilika to pay annas 6 for each tree, that Subsequently the petrs appealed to the Dy Comr not to bind them to the muchilika as it was taken by force and that as the trees were not reserved to Govt - and that the order appealed against was passed contrary to Govt order No 4744 S-2 dated 24.11.96 R.Jr.13893

Petrs pray that the empty space in the middle of

the land which is
under cultivation may
be separately assessed
and allowed to remain
in the enjoyment of
the petrol and that the
portion containing date
trees taken away to
Goa on payment of a
proper compensation to
the petrol

Bypost
Reg. Slee
29-4-02

3011 I

Date. 24. 4. 02.

3011 R
29-4-02

The Dewan in Council
to the Govt. of Mysore
Bangalore.

Sir

With reference to your order no: 2309 dated 17. 3. 02, we humbly beg to state that a copy of our first petition referred to in the above is herein enclosed and that the original with its enclosures will be found if kindly ordered to be looked for in your office as it has been acknowledged to have been received there (vide Postal receipt attached herewith). On refusal of the order of the Amildar (attached to our first pet. in pursuance of which we have been prevented from enjoying the land this year, we are forced to pay the Kandayam of the year. We have spent large sums on the land, but have reaped no benefit from it yet. We therefore pray for early favourable orders of the Govt.

We beg to remain
Sir,
Your most obedient & humble subjects

To

The Dewan in council
to the Govt of Mysore
Bangalore

The humble petition of

1. Amarundi Basappa
2. Setty Guru Siddappa,

Ryots of Bharamasagar village
Chitaldroog Talug

The petitioners beg to appeal against the Talug Amildar's orders nos 50 & 57 dated 2.8.01 (herein enclosed) giving the substance of the District Oy. Comrs order no: 73 dated 25.7.01 to the effect that the Survey no: 85 (Extent 14 ac assest 7 Rs) in the village of Bharamasagar will be taken over by Govt. and that the petitioners should cease entering upon the land, on the foll: grounds:

I The said land was in the sole occupation & enjoyment of the 1st petitioner for the past 11 years and since a year it has been in the occupation and enjoyment of both the petitioners, as the second petitioner bought ½ the land for 300 Rs from the 1st petitioner. But the patta stands in the name of only the 1st petitioner,

In 1895-96

the land in question was applied for cultivation and sold by public auction for 20 Rs. the right to the toddy trees standing on it not being then reserved by the Govt.

After a time the purchaser one krishnappa sold it to one Gururajappa who in turn sold it to the first petitioner for 100 Rs.

The 2 prior occupants allowed the land to remain uncultivated & so the no. of toddy trees increased. After the 1st petitioner got possession of it, he spent more than 300 Rs for the improvement of the land including the construction of an irrigation canal. A portion of the land is now classed as wet.

In the year 1896 the Dy. comr of the amildar wanted to acquire it to Govt. under the L.A. act. But as the 1st petitioner disputed it petitioned the Govt on the subject (vide petn 639 of 7/11/96). The land was again left undisturbed. But against the will of the 1st petitioner, the Dy. Comr under the influence of threat, took a muchilika from him to the effect that the toddy trees on the land should not be cut down. The 1st petitioner never consented to give up his right over the trees.

Again about 6 months back the petitioners were induced to believe that the trees belonged to Govt

& That if they wished to have them, they had to pay
6 as a tree. Under the influence of threat and
inducement, they were obliged to execute a
muchilaka binding them to pay 6 as a tree.
But as it was signed reluctantly and the
petitioners learned that the trees belonged to them
and not to Govt. they soon after submitted a petition
to the Dy Comr that the petitioners would not act up
to the above muchilaka as the trees belonged to
them. upon this the amildar and the Dy Comr
have resolved to deprive the poor petitioners of
their land by recommending to Govt to acquire
the land under Land A act. Their orders to
the petitioners are herein enclosed.

A kind perusal into the ~~~~ records
will clearly show that the right to the toddy trees
was not reserved. It has not been subsequently
acquired to the Govt for any consideration.

On the other hand the Dy Comr of the amildar
have been unjustly forcing the petitioners
to pray for the trees, or to part with the land,
& threatening them with Criminal prosecution.

There is plenty of empty space fit for
cultivation & paddy crop is standing on it now.
The land is now worth nearly 6 or 7 hundred Rupees
The attempt of the Dy Comr to acquire the whole

land is quite against the Govt order no: 4764 - 52
R.F 138-93 of 24.11.96 which expressly states that wherever appreciable empty spaces fit for cultivation exist in dale groves or bracts & there is demand for land for cultivation, such empty spaces may be subdivided as far as possible and made available for cultivation.

The petitioners have no objection to give up their right over the portion on which stand the dale trees, for a proper compensation. The empty space in the middle which is now under cultivation may be separately assessed & allowed to remain in the possession & enjoyment of the poor petitioners who have worked hard & spend a large sum for the improvement of the land, but who have not yet reaped full benifit from it.

The petitioners in conclusion pray that the orders of the amildar may be cancelled and the petitioners left in the possession and enjoyment of the land.

(Sd) Amkinki Basappa
Gurupadappa.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REGD. No 2309 R
DATE 6-2-1902

[illegible]

2309

[illegible]

[illegible]

3-2-02

ST SR
FILE 24-(36-7)
SER 8

68

Log 4724-96 Rev. one file

29-7-02

(10)

To

The Revenue Commr
in my zone

Has the honor
to forward herewith
Copy of letter no 92
of 30th July 02 for together
with its enclosures
in original (to be obliged
returned) from the
Deputy Commr, Chittaldrug
District regarding
the acquisition of
Govt no 85 of Bhaimu-
Sagar village in
Chittaldrug Taluk
for the purposes of
todday revenue and
to request the favor
of an early expression

Off opinion in the matter.

BC

2nd Lis ordered

24/7/02

Forbes

8/7/02.

Pleas mve at once

No 92

Encl. one with a file of V. Papers Received

Enclosure to Sl. No 65

Office of the Deputy Commr.
Chittaldroog District.
Dated Chittaldroog 30th July 1901

From

The Deputy Commissioner
Chittaldroog District

To

The Secretary to the Government
of Mysore
Genl. & Rev. Department.

Sir,

Adverting to Correspondence noted in the margin re the acquisition of Survey no. 83 of Bhimmasagar village in the Chittaldroog Taluk for the purpose of a toddy grove, I have the honor to state that Basappa, the Khatedar of the said land, refused to come to an amicable settlement for giving it up to Government (Vide Copy of his deposition dated

From Office letter no 6574-604 dated 9th February 1897. Government Proceedings no. 10890-98 / 4395 of 16th June 1897.

5th August 1897 herewith submitted) but agreed not to interfere with the date trees thereon on pain of such punishment as might be inflicted by Government. Thereupon in this office order no 280 dated 12th September 1897, the Amildar of Chitaldroog was directed to see that the trees were not interfered with.

2. On the 29th August 1900, the Excise Supervisor reported that Khatedar Basappa had destroyed 213 toddy trees (as noted in the margin) which were planted on the land in question and the Excise Assistant Commissioner recommended the prosecution of Basappa.

3. It was ascertained that the Khatedar Basappa had, in the meantime, sold half of the land to one Gurubasappa

30 full grown trees
120 between 5 & 10 years old
63 plants of one year old & under

Both these men were examined by the Deputy Commissioner on the 12th March 1901, when they desired that the cultivable portion of the number might be allowed to remain in their enjoyment the remainder being reserved for a date grove and that the toddy yielding trees on the cultivable area might be sold to them at 6 annas per tree. The number of such trees was reported to be 600. In April 1901, Thommen Basappa and Cheriathappa petitioned the Deputy Commissioner that they should pay at 6 annas per tree only for such of the trees as were standing upon the land at the time of its original grant for cultivation purposes in 1884. The Amildar was thereupon asked to submit

the explanations of these men as regards their having destroyed the date trees contrary to their agreement.

4. With his report no 20 dated 4th July 1901, the Amildar submits the statements of Basappa and Gurupadappa. The former states that no tree has been cut down in his portion of the land, and the latter while admitting that he has cut down 40 or 50 plants, alleges that he is not liable to be punished therefor as the plants sprung up after the grant of the lands for cultivation purposes 27 years ago and no reservation was made of the trees when the land was sold in 1884.

5. I have directed the prose-

prosecution of Basaffa and Gunepadaffa for destroying 213 trees and plants which were standing on the land in violation of the agreement entered into by the former on 5th August 1897. At the same time I am of opinion that the land in question must be acquired under the Land acquisition Regulation and not apaval for a date Vavuni. The land is reported to contain about 20,000 trees and plants covering an area of 14 acres is assessed at Rs 13/- It is not desirable that any private right should be allowed to subsist on such land, and in this view I am not prepared to recommend that Basaffa and Gunepadaffa should have the so-called

Dft Rs 5.4.4
Wel Rs 8.4.4
+ 13.4.4

cultivable portion of it with the boo toddy yielding trees thereon on payment of a price for the trees. The land being overgrown with dale trees, it seems to me, it is not possible to carry on any cultivation in it.

6. If my recommendation is approved, I beg that the accompanying declaration may be published in the Mysore Gazette.

7. I have also directed the Amildar to issue a notice to Basappa and Channabasappa prohibiting them from further interfering with the dale trees and carrying on clearing operations for purposes of cultivation.

8. The Vernacular record

record is herewith submitted
for reference and kind return
when no longer required

Yours &c

sd/- M. Narain Rao

Deputy Commissioner

"Copy

Chandulal

for Secretary

SECTION S.R. 4x

FILE 24-(86-7) FROM

SUBJECT 9. To

OFFICE OF THE 2573. 5 SEP. 1902

(10) 72

1902-03.

P. R. Pillai Esqr B.A.
Excise Commissioner
in Mysore.

H. V. Tirumudiah Esqr Jr. A.
Jr. L.
Secretary to the Government of Mysore
General & Revenue Departments

Dated 3rd September 1902.

Despatched

Received

General No. 1443

No. 62

Enclosure No.

Secretary's docket No: 109 / Ex. F. 24-96
dated 29th July 1902.

States that he concurs with the Deputy Commissioners opinion and recommends that necessary declaration may be published for acquiring survey No: 85 of Bhaimasagar village, Chitaldrug Taluk, for purposes of State Toddy Revenue.

Exc
5-9-02
ndb/9

No: [illegible]

Excise Commissioner's office

Bangalore, dated 3rd September 1902

From

M. N. Purnaiya Esquire B. A

Excise Commissioner

in Mysore

To

M. V. Ranjundiah Esquire, M. A & M. L

Secretary to the Government of Mysore

General & Revenue Department

Sir,

In reply to your docket No: 109 Ex. Revenue dated 29th July 1902, I have the honor to state that Survey No: 85 of Bharmasagara village, Chitaldrug taluk, adjoins a date grove situated in Survey Nos: 84, 86, 97, 91 and 100 which are now in the list of lands reserved for the purpose of State Toddy Revenue, and that it is reported to contain nearly 20,000 date trees. The land being overgrown with so many trees, is unfit for cultivation; but it is valuable for Toddy Revenue. Accordingly I concur with the Deputy Commissioner that it should be acquired for such purpose, and

Recommend

recommend that necessary declara-
-tion may be duly published in the
Gazette to enable the Deputy Com-
-missioner to take action for ac-
-quiring the land.

2. The enclosures are herewith returned

I have the honor to be,

Sir,

Your most obedient servant,

J. Bruce Gr

Excise Commissioner

Mys in Mysore

Under the provisions of Section 6 of the Land acquisition Regulation No VII of 1894; it is hereby declared that the undermentioned land in the Chitaldroog Taluk required for a Public purpose viz. for odd a te Grove and under Section 7 of the Said Regulation the Deputy Commissioner is authorized to take order for the acquisition of the Said land.

District	Taluk	Village	Names of the holders	Particulars of land				Boundaries				Remarks
				Survey No:	Description	Extent required	Assessment	East	west	North	South	
Chitaldroog	Chitaldroog	Bharamasagara.	1. Anakunti Basappa 2. Settiara Gurupada - Hpa.	85	Dry + wet	1¼ acres	13-a-m	Survey Nos: 106. 107. & 109	86-98-99	102	79-80-83 & 82.	

Chitaldroog
Dated 27th July 1901

Narasimha Rao
Deputy Commissioner
Chitaldroog District

DK.

SECTION: S.R.
FILE: 24-(96-7) Read
SR: 10

Jamboti 76

Correspondence
regarding the Revenue
Commissioner's letter
No 1443-62 dated 3rd
September 1902 re-
garding the acquisition
of Sur. No 85 of the
Bhamiasalgeri
village, Chikalong
Taluk, for purposes
of toddy revenue.

Order thereon: No 212-3
47-24-96

Dy 27.10.1902

Assessed waste
land Sur. No 85 measuring
4 acres 2 assessed at
Rs 7/- of the Bhamia-
salgeri village, Chikal-
ong Taluk, was
applied for for culti-

1927
22.X.02

(Please send the file
Coming to me for signature —
Issue
24/10

24/10/02

cultivation purposes in
1884 and sold by
Public auction to
one Keshava Rao, the
right to date trees
on it being reserved to
Govt. At the time of
its grant the land
contained about
590 date trees which
subsequently increased
to such a Considerable
extent that their present
number is about 20,000.
The land also changed
hands, Anikundi
Basappa & Setti Gunu-
padappa being (
its present occupants.

In November 1916
the occupant (Anikundi
Basappa) applied
for permission of
Govt. to remove the date
trees standing on the

the cultivable portion
of the land. The Deputy
Commr who was re-
quested to report on the
petition & stated that
it was advantageous to
resume & reserve the
land as a toddy grove
Per Govt. order of 16th
June 1897 he was asked
to acquire the land ~~[illegible]~~ by amicable
settlement & explaining
to the occupant that
it would be of no
benefit to him to retain
the land in as much
as he could not cut
down the date trees
But failing to do so
he reported in July
1901 that the occupants
of the land (Anthondi
Basappa & Sabi Gowda-
dappa to whom a
portion of the land
was sold in 1900.)
had cut a large

number of trees on the land & that they had, therefore, been ordered to be prosecuted & recommended the acquisition of the land under the provisions of the Land Acquisition Regulation as it was not desirable that any private right should be allowed to subsist on it. The Revenue Commr who was consulted on the subject stated that the land is valuable for toddy revenue as it adjoins the Govt. nos. that have been reserved as toddy groves & as it contains about 20000 date

date trees & recommended that it should be acquired. -

Govt. have no hesitation in saying that the grant of this land was a mistake & the continuance of it has brought about undesirable complications.

There is no doubt that the land is necessary to be conserved as a date grove. From the record it is evident that the occupants have not conformed to the condition under which the tenure was granted, namely that the date trees then existing &

since grown were
to be reserved. The
imposition of this
condition is quite
legal under section
60 and clause 4 of
section 41 of the Land
Rev. Regn. Govt.
Consider that the
violation of this
condition justifies
the cancellation of
the grant & resumption
of the land and
they accordingly
direct that the
land should be
at once resumed
by the Deputy Comm.

Govt. request to
observe that the
attempts made by
the Dy Comm. to
arrive at an amicable
settlement were

were half-hearted
and perfunctory.
Otherwise he should
not have had
the necessity of
referring (in 1901)
to a mechanical
executed in 1897 to
show what action
was taken by him
in response to the
order of Court
issued in June 1897

I am Secretary

To the Excise Commr in
Mysore with V.O.
Veeraraghavan, Clitaldrug
Dist.

No 214

83

S. R.

F. 24 (96-7)

SER. 11.

Ex. 24-96 27-10-02

(15)

Endorsement

With reference to
Herein petitions pp/D. nos
773 of 30/8/01, 2303 of 3/12/01
& 3011 of 24.4.02, stating
that the date trees on
Sy no 85 of the Bhavana
Salavanvillage, Chitaldrug
Taluk, in their occupancy
belonged to them & not
to Govt. and requesting
that the cultivable portion
of the land be subdivided
& left in their possession
& enjoyment & that
reasonable amount
of Compensation for
be paid to them in
respect of the date trees
standing on the remaining
portion of it now
required to be reserved
as date grove, Ankanna
Basappa and Sabbi-
Gurupadappa, are
informed that as they

are perpetual to have
cut many of the trees
that stood on the land,
the right to which
had been reserved to
Govt & thus violated
the terms of the grant
the land ~~should~~ has been forfeited ( )
~~once~~ to be forfeited
~~to them~~ to Govt.
Their petitions are accordingly
rejected.

BM.

21/10/24

23/24/10
Secy